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RECORDS AND FILES  
OF THE  
QUARTERLY COURTS  
OF  
ESSEX COUNTY  
MASSACHUSETTS

VOLUME III  
1662-1667

SALEM, MASS.  
PUBLISHED BY THE ESSEX INSTITUTE  
1913

THOS. P. NICHOLS & SON CO.  
Printers  
Lynn, Massachusetts



RECORDS AND FILES OF THE QUARTERLY COURTS  
OF ESSEX COUNTY, MASSACHUSETTS.

COURT HELD AT HAMPTON, OCT. 14, 1662.

Jury of trials: Jno. Severans, foreman, Rich. Currier, Nathan Gold, Georg Goldwyer, James Pecker, Daniell Ela, Jno. Redman, Sam. Fogg, Tho. Warde, John Cash, Tho. Sleeper and Tho. Biggs.

Joane, relict of Vallentine Rowell, late of Salisbury, deceased, was appointed administratrix of his estate.

James Pecker v. Tho. Davis, John Hutchins and Daniell Hendrick. Debt. Verdict for plaintiff. Mill at Haverhill mentioned.

Dan. Lad v. ———.

William Fifeild, assignee of Capt. Walter Barefoot v. Capt. Tho. Clarke and Mr. Antipas Boys, administrators of the estate of Mr. Vall. Hill. Debt of 50li. for physic and attendance upon Mr. Hill and family during his last sickness. Nonsuited.

Capt. Walter Barefoot v. Isaac Pirkins. Debt of 20li. Due to plaintiff for physic and chirurgical means and attendance upon defendant's two sons, together with his expenses at the ordinary while upon this business. Withdrawn.

Capt. Walter Barefoot v. Walter Tayler. For not building a vessel for him according to dimensions specified in writing under said Tayler's hand. Verdict for defendant. Appealed to next Court of Assistants. Capt. Barefoot and Rob. Tuck bound.

Walter Barefoot v. Ed. Colcord.

——— v. ——— Drake. His farm mentioned.\*

Stephen Kent v. Jno. Hutchins. Appeal from a judgment of the commissioners of Haverhill. Verdict for plaintiff, the reversing of the judgment.

Stephen Kent v. Willi. White. Appeal from a judgment of three of the five selectmen of Haverhill. Verdict for defendant. Appealed to next Court of Assistants. Steven Kent and Jno. Godfrey bound.

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\*Writ: Christopher Hussey v. Abraham Drake; for taking away a cow from his farm; dated 30 : 3 : 1662; signed by Samuell Dalton, † for the court; and addressed to the marshal of Hampton.

† Autograph.

Christopher Palmer v. Ed. Colcord. For making way with a bay horse, with two wall eyes, a white blaze down his face and one white foot, in a fraudulent manner, etc. Verdict for plaintiff.

Robert Swan, assignee of Jno. Johnson v. Peter Nash. Debt. Which should have been paid Aug. 20 last in English goods or cattle. Verdict for plaintiff. Appealed to next Court of Assistants.

Isaac Colby v. Peter Nash. For not delivering a horse, according to agreement. Verdict for plaintiff.\*

Anthony Tayler v. Joseph Davis. For not paying 4li. 8s. 6d. due for a bill which he received of Robert Jones in staves and heading. Verdict for plaintiff. †

\*Writ, dated 16 : 3 : 1662, signed by Tho. Bradbury, ‡ for the court, and served by Robart Haseltin, ‡ deputy constable of Rowley.

David Haseltine deposed that Peter Nash came to the house of John Collby a week before last Salalsbury court and there Issack Collby and said Nash made an exchange of horses. Collby gave his horse to Nash, and the latter was to deliver his at the house of John Willem's at Havirel, sound in wind and limb, the Monday before the court. Furthermore said Nash was to give said Collby 1000 merchantable white oak pipe staves to be delivered at a good landing place about Haverel, etc. Sworn in court.

Samuel Collby deposed that Nash said that the horse that Nash was to deliver to Collby, was well worth ten pounds, and that he could run as fast as most horses, etc. Sworn in court.

†Writ, dated 6 : 8 : 1662, signed by Samuell Dalton, ‡ for the court, and served by John Johnson, ‡ constable of Haverhill.

Robertt Jones, aged about twenty-nine years, testified that he delivered a bill to Anthony Taler to be paid at Quechesha and said Taler assigned the bill to Josef Davis, a cooper, at Puscataque river. Deponent receipted the bill. Sworn in court, before Tho. Bradbury, ‡ rec.

Daniel Ela deposed that he met Anthony Taler at Rowley last May, who desired him to do an errand for him and that was to ask Joseph Davis to pay to Capt. Paul Whit four pounds which had been long due to said Taler. He accordingly asked Davis for the money and he acknowledged the debt. Sworn in court.

Abraham Drake deposed that two years since he went with Anthony Taylor to Puscataque on Yorke side of the river to Joseph Daveses, Taylor demanded the bill, and Davis owned it, but said he would go up to Peter Cofenes and bring his bill to Capt. Pemplinton and pay him there. Deponent and Taylor went to Portsmouth and remained over night. Davis promised to be back again the next tide at Mr. Pemplinton's, but they tarried there some time and Davis did not come. Sworn in court.

Abraham Pirkins v. Christopher Palmer. For forfeiture of a bond of 10li. Not standing to the award of an arbitration, Mr. Sam. Dudley, Jno. Gilman and Jno. Redman being the arbitrators. Verdict for plaintiff. Appealed to next court of Assistants. Christopher Palmer and Morris Hobbs bound.

Natt. Batcheller v. Francis Drake. Trespass. For mowing his marsh, carrying away his hay after being warned and going about to alter the title of his land. Verdict for defendant.

Humphrey Wilson v. Tho. King, Jno. Warrin and Jno. Gillman. For not keeping him from annoyance by water, according to covenant. Withdrawn.

Georg Walton's license, for keeping the ordinary upon the Great Island in Pascattoquaek river until Dover court next, was renewed.

Willi. Fifeild was sworn constable for the town of Hampton.

Willi. Furbur and Richard Otis, having been formerly appointed administrators of the estate of Willi. Lemon, deceased, were ordered by this court to present an inventory of said Lemon's estate in Norfolk county at the next county court at Dover.

Mr. Husie and Mr. Stanian were sworn to end small causes for Hampton.

Robert Tuck's license was renewed to keep the ordinary for Hampton.

Ordered by this court that the selectmen of the town of Hampton shall take the estate of Willi. Coul of Hampton, late deceased, and carefully preserve and improve the same; also to satisfy all for the diet and attendance on said Coul in his life time and to supply his wife, Eunis Coul, with such necessaries as she should need for food and raiment; also to give a true account of the expenses whenever the court shall ask for it, notwithstanding any writing that might appear under the notion of a will.

L. Challis and Rich. Currier were to make distribution of Vall. Rowell's estate to the widow and children, she to have one half.

Jno. Brown and Moses Cox were freed from military watchings and trainings, allowing 3s. 4d. per annum to the military company of Hampton.

Jno. Huggins v. Robert Smithe. Trespass. For running a ditch through his marsh and going about to alter the title of his land. Withdrawn.

Allowed to the servants at Mr. Dalton's, 5s., and "2<sup>s</sup> 1<sup>d</sup> to y<sup>e</sup> ostler : y<sup>e</sup> mayd 2<sup>s</sup> : y<sup>e</sup> woman 2<sup>s</sup>"

A special warrant for Haverhill men was presented by the grand jury.

A rate to be made to defray county charges to the value of twenty or thirty pounds.

Willi. Fifeild appeared in behalf of Willi. Hams of Portsmouth in an action entered at Salisbury court, 1662, concerning a colt in controversy between said Hams and Capt. William Gerish of Nubery. Willi. Ham's attorney attended the court five days. Capt. Willi. Gerish was called three times but did not appear.

Passed to the treasurer : six shillings to Tho. Filbrick, 18s. to Will. Fuller for carrying the votes to Boston.

Jno. Redman v. Tho. Nudd. For turning swine into his corn when plaintiff was from home. To be tried next Salisbury court.

Ordered that 2s. 6d. be paid to Henry Green out of old Cole's estate for watching one day and one night with Eunice Coul.

COURT HELD AT IPSWICH, NOV. 13, 1662, BY ADJOURNMENT.

John Brabrooke of Newbury made a nuncupative will, which was proved in court, but named no executor. Court appointed Henry Short, yeoman, of Newbury, administrator of the estate.

Richard Kimball, presented for his well being dangerous, was discharged, it being now mended.

The town of Newbury was presented for the highway being insufficient for travellers. The court, having made an order about it the first session, further ordered that it be certified at Salem court that it was sufficient according to that order, under the same penalty expressed in the said order.

Execution, dated Oct., 1662, against John Mackcallum to satisfy judgment granted John Maxfield at Salisbury court of 11 : 2 : 1662, signed by Tho. Bradbury,\* for the court, and served by John Koolba,\* whom Abraham Drake,\* marshal of Hampton, appointed his deputy. Robart Kinge mentioned.

Edmond Greenlief had his goods attached by Nathaniell Boulton to answer at this court, and no attachment was returned nor action entered. This bill of twelve shillings allowed by the court, attest, Tho. Bradbury,\* rec.

Peter Coffin deposed concerning the execution. Sworn at Salisbury court, 8 : 2 : 1662, before Tho. Bradbury,\* rec.

\* Autograph.

Mr. Jonathan Wade was licensed to sell strong water for a year, as the merchants of Salem, observing the order of the court made in March last.

Stephen Johnson and Elizabeth his wife, were fined upon their presentment for fornication before marriage, they having confessed.

Symon Chapman was fined upon his presentment of inhuman carriage about defiling a well. Part of the fine respitted until the court took further order.

Robert Rogers was admonished upon his presentment and was bound to good behavior.

Hester Bond was admonished upon her presentment and was bound to good behavior. John Bond, her husband, surety.

This court granted half a fifth part of a single country rate for defraying county charges, to be added to a fifth part granted before, the bridge being chiefly intended.

The treasurer was ordered to pay Thomas Burnam and Walter Roper 3s. each for viewing the bridge near Richard Thurill's.\*

Ossmand Dutch, being complained of for resisting the military officer coming to levy a fine for neglect of training, was fined 10s. and was ordered to pay witness fees of Clement Coldom and Thomas Millet.

Whereas there was a suit commenced by Mr. Nathaniell Saltonstall, attorney of his father, Richard Saltonstall, Esq., against Thomas Stace at the last Salem court, said Stace came before the Honored Magistrates Mr. Samuells Symonds and Major Genrll. Daniell Denison on Feb. 28, 1662 and acknowledged a judgment of 30li. to Mr. Nathaniell Saltonstall.

COURT HELD AT SALEM, 25 : 9 : 1662.

Judges : The Worshipful Mr. Simond Bradstreet, Major Genll. Daniell Denison and Maj. Wm. Hathorne.

Grand jury : Mr. Charles Gott, Henry Herrick, Antho. Buxstone, Jon. Neale, Tho. Rootes, Will. Flint, Henry Roades, Richd. John-

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\*Walter Rooper† and Thomas Bornom† reported on Nov. 13, 1662, that they had viewed the bridge near Goodman Thirill's of Nubery and found it insufficient, the two ends lacked security against the ice and the — in the middle not being —, also there was a rail wanting on each side, from end to end.

† Autograph.

son, John Ramsdell, sr., Tho. Newell, Silvester Evely, John Bartoll and William Allen.

Jury of trials : Lt. Tho. Putnam, Ens. Samll. Corning, Will. Dodge, sr., John Rayment, John Mansfeld, James Axey, John Peeresson, Theophilus Baily, John Burrell, Tho. Millett, Tho. White and John West.

William Carter v. Peeter Oliver. Debt. Due for wages, for his service performed in St. Laurence, on the back side of Newfoundland. Withdrawn.

John Godfery v. Jonathan Singletarye. Concerning a bond that plaintiff assigned him, which bond was due from Edward Clearke to said Godfery, and for refusing to give him security. Verdict for plaintiff, the defendant to give security.\*

John Godfery v. Jonathan Singletarye. Debt. For withholding

\*Writ, dated Oct. 8, 1662, signed by Edmond Fawkner,† for the court, and served by John Johnson,† constable of Haverhill, by attachment of defendant's land lying about a mile beyond the river called Hook's meadow river, and abutting the river Marimak on one end and joining next to Goodman Souhell on one side. The warrant was left at Jonathan Singeltary's father's house, where Jonathan resided.

John Godfery's bill of costs, going to Salisbury and Bostone, witnesses sworn before Mr. Bradstreet, etc., 2li. 17s. 8d.

Edward Youmans, aged about thirty years, deposed that he heard Godfre demand security of Jonathan Senlatary for the bond in controversy. Sworn, 21 : 9 : 1662, before Simon Bradstreete.†

Susana Singletary testified that "as I had ocasion to com by thomas lilford where he was at worke he said unto me w<sup>t</sup> will your sonn Jonathan doe w<sup>th</sup> godfre he is resolued to have him to courtt about the band of corn y<sup>t</sup> he had of him of clark & he saith he will haue me for a wites about it nay said I it doth nott much trouble me for he has giuen him y<sup>e</sup> corn if he can git it of clarke can you witness y<sup>t</sup> he pmised to giue godfre security for y<sup>e</sup> band of corn Thomas lilford said nay I hard him speak of security but I doe not know for w<sup>t</sup> it was." Sworn, Nov. 22, 1662, before Simon Bradstreete.†

Execution, dated 29 : 9 : 1662, against Johnathan Singletarye in satisfaction of a judgment granted John Godfery at Salem court, 27 : 9 : 1662, signed by Hillyard Veren,† cleric, and served by John Johnson,† constable of Haverhill, deputy of Samuell Archard,† marshal of Salem.

† Autograph.

50s. in silver delivered to defendant a year past. Verdict for defendant.\*

Tho. Chubb v. Tho. Tuck. For not paying for or delivering a cow and 6s. 6d., according to agreement. Verdict for plaintiff.†

John Rugeway v. John Roades. Debt. Due plaintiff from Henry Carter (late deceased), with his wife, whose goods said Roades took into his possession and disposed of contrary to law. Withdrawn.

John Rugeway v. John Tomlin. For arresting plaintiff for a bond that had been tried in court and judgment passed and execution granted upon the same. Withdrawn.

\*Warrant, dated Nov. 20, 1662, signed by Richard Littlehale,‡ for the court.

Jonathan Singletary's bill of charges, 13s.

Susana Singletary, aged about forty-six years, testified that in her own house John Godfre assigned the band of corn, etc. Sworn, Nov. 22, 1662, before Simon Bradstreete.‡

Edward Youmans, aged about thirty years, deposed that he met John Godfre the last spring with Johnathan Sengtary coming out of Rouly, and deponent asked said Godfre to lend him five shillings and he said he could not for he had lent Johnathan Sengtary all the money he had, etc. Sworn, Nov. 21, 1662, before Simon Bradstreete.‡ On the reverse of this paper, "In Chearles-town."

Richard Singletary, aged about sixty-three years, testified, Nov. 22, 1662, that "as I was goeing to Salsbury this last munday past along w<sup>th</sup> John godfre he was in a great pashon against Jonathan Singletary att his hous a while agoe & I had forty or fifty shillings in mony about me & Jonathan would haue borowed it of me & I was two or thre times agoeing to lett him haue it but I considered y<sup>t</sup> I had often use for mony at law & so I did not lett him haue aney." Sworn before Simon Bradstreete.‡

†Writ, dated 14 : 9 : 1662, signed by Hillyard Veren,‡ for the court, and served by Thomas Pickton,‡ constable of Salem, by attachment of the house of defendant.

Thomas Chubb's charges, 1li. 3s. 8d.

Agreement, dated June 26, 1662, made at Salem at the house of Mr. Jno. Gidney, between Thomas Chubb and Thomas Tuck, both of Basse river, that before Sept. 29, 1662, said Tuck should pay to said Chubb a young cow of three years old as good as the cow that his son lost, as two neighbors that knew the cow should judge, etc. This agreement was made upon advice of the witnesses, Thomas Marshal,‡ Joseph Armitage‡ and Oliver Purchis.‡

‡ Autograph.

Mr. Joseph Humfries and Mr. Edmond Batters, administrators of John Humfrie, Esq., deceased v. Mr. Edward Collins and Mr. Joseph Hill, executors of the will of Mr. Henry Dunster, deceased. For selling a windmill of said John Humfries, a farm in Lyn and a barn. Verdict for plaintiff, the farm to be delivered up, and to pay 40li. for want of the barn and milne. Appealed to the next Court of Assistants. Mr. Joseph Hill and Mr. Walter Price bound. Extract from an account produced in court by Mr. Joseph Hill, in the 28th line, namely, "to : soe much rec : of M<sup>r</sup> Humfries 71<sup>li</sup> : 04<sup>s</sup> : 09<sup>d</sup>."\*

\*Writ, dated 3 : 9 : 1662, signed by Hillyard Veren,† for the court, and addressed to the marshal general or constable of Maulden.

Bond of Edw. Collins† and Joseph Hills.† Edward Mitchellson,† marshal, mentioned.

Account of the mortgage, paper addressed "To His Reu<sup>t</sup> and Dearly Beloued Freind M<sup>r</sup> Joseph Hills Senio<sup>r</sup> in Maldon these p<sup>r</sup>sent with trust."

The debt	80 : 00 : 00	Rec <sup>d</sup>	60 : 00 : 00
To interest at 8 p Cent. til dec : 48 : 6 years	}	& in rentes	24 : 04 : 09
			084 : 04 : 09

to interest for 20 <sup>li</sup> p Ann <sup>o</sup> til dec : 56 : 8 years	}	12 : 16 : 00
		131 : 04 : 00

due to us on Ballance 046 : 19 : 03 onely what is rec<sup>d</sup> by m<sup>r</sup> Danfort Since 1656 :

Count the Morgage to Ans the debt & interest & so make good the mill at the Expiraccon of the Morgage Then it Stands thus :

The Mill Sold at 60 : 00 : 00	want of Stock of 21	108 : 00 : 00	
	years	Amounts to	168 : 00 : 00
			168 : 00 : 00
			60 : 00 : 00

due to us on Ballance 108 : 00 : 00 only what is Rec<sup>d</sup> since 1656 by m<sup>r</sup> Danfort.

Joseph Hills†

Edward Collins†

"Novemb. 22<sup>th</sup> 1662 I Fran : Ingole of Lyn, Tanner is Debitor

†Autograph.



for the farme Morgaged from m<sup>r</sup> Humphryes for the paying of a debt of 80<sup>li</sup> : 00 : 00." Creditor, by his first payt. for ye farme in Lin was in Spring 1648, 1li. 10s.; 2d. payt. made in mony & flax in Apill 1650 for 1649, 2li. 18s.; 3d. payt. due in october 1650 he pd. ye 5th of 7ber 1650, 3li.; fower pounds of flax left at Br. Ushers, 5s.; monys receud ye 25th Apill 1651, 1li. 10s.; monyes received at Mr. Ushers 13th octob. 1651, 1li. 10s.; by a bill to Mr. Webs in octob. 1652, 2li. 16s. 9d.; provisions deliuered to mee at Boston, 1653, 2li. 15s.; by the Cowe delivered to me in feb. 1654, 5li.; paid to Mr. Purchase for iron for the mill in 1656, 3li.; total, 24li. 4s. 9d. Copied from Mr. Dunster's book by Edward Collins.\*

Bill of costs of Mr. Edmund Batter and Mr. Joseph Humfrey, for going to Salem, Cambridge, Boston, Cape Ann and Ipswitch, etc., 4li. 4s. 8d.

Account of the plaintiff's demands : For the windmilne, 100li.; barn, 30li.; seven cattle, 50li.; two oxen, four cows and one mare, 50li.; total, 180li. "As for ye eighty pounds y<sup>t</sup> some understand was Do from ye plaintiff : ye estate Dennied for that end : twenty one yeares was sufisient satisfaction."

Copy of petition of Increase Nowell, Wm. Hibbins and Henry Dunster, to the much honored magistrates at Boston, Tho. Dudley, Govr., Jo. Winthrop, Jo. Endecott, Herbert Pelham, Rich. Bellingham, Rich. Saltonstall and Samuel Symonds, that "whereas John Humphry late of lynn Esquire Borrowed of christophe<sup>r</sup> chudleigh, servant to m<sup>r</sup> Dauis the sume of eighty pound in Cash for the repaying whereof the said m<sup>r</sup> Humphry passed ouer for Certaine yeares his windmill at Lynn w<sup>h</sup> a farme there & some Cattell thereon the which Cattell were sold away by some of his Agents & thereby the said farme made useless the mill also by reason of another watermill that was set up in the Towne being of litle use & no proffit in that place whe— the aforesaid mortgagage is altogether Insufficient to pay in th— use of the said sume much lesse the stock whereupon M<sup>r</sup> oatly frequently solicited us that wee would giue way to the selling of the windmill; for the discharge of the aforesaid sume as farre as it will Goe. And having found us a chapman that was willing to giue the full worth of the same wee Could do no lesse than Assent unto his reasonable request but understanding that vnlesse you'selves doe Consent the sale of the said mill will be Invalid therefore albeit a Contract w<sup>h</sup> Samuell Bennet of lynn be made for the same mill yet before wee do fully ratify & Confirme it vnto him wee humbly desire you<sup>r</sup> Assent unto the said sale. Wee doe Conceive that it will be to m<sup>r</sup> Humphrys advantage (& that w<sup>ch</sup> wee are perswaded he will Allowe of) that the mill should be p<sup>r</sup>sently sould to help redeeme the land mortgaged." Copy made by Edward Rawson,\* recorder.

Copy of a lease, dated Oct. 25, 1641, given by John Humfrey of

\*Autograph.

Lynn, Esq., to Mr. Increase Nowell, of his farm and house, land and mill in Lynn, for twenty-one years, provided he pay from the profit of the farm to Mr. Joseph Davis the sum of 80li. Wit : Rob. Thomson and John Bulkley. Copy made by Edw. Rawson,\* recorder.

Copy of indenture, dated 20 : 8 : 1647, between Increase Nowell of Charls Towne, gentleman, and Henry Dunster, president of Harvard Colledge of Cambridge on one part and Francis Ingolls of Lynne on the other part, the lease of the farm that was lately Mr. Humfreys in Lynn, lying between the windmill hill and the Lady Moody's farm, together with the barn, for fifteen years, said Nowell and Dunster, being guardians to the children of Mr. Josse Glover, who had interest and title therein, at three pounds per year in wheat and barley, at 4s. per bushel, delivered at Meadford house twice each year, the first payment to be in 1648; if Mr. Humfrey's land be redeemed before 25 : 8 : 1662, said Ingolls was to be reimbursed for all repairs, etc. Copy made by Edward Rawson,\* recorder.

Samuell Benet's\* agreement, dated 13 : 10 : 1644, to pay 60li. in three years for the windmill that stands on Sagamore hill in Lin, if he sold it within that time, otherwise to have four years in which to pay the price.

On the reverse of the foregoing paper:

A bill delivered came to 5li. 19s. 8d.; dial cordium, 7s.; Dial cordium, 7s.; syrup of Corall, 2s. 8d.; populron, 3d., box, 1d., 4d.; borax, 5d., Juice of Liquerish, 6d., 11d.; total, 6li. 17s. 7d. Received, 6li. 10s.; remaining, 7s. 7d., to me Robert Cooke.\*

"Sam. Bennets subscription for y<sup>e</sup> windemill Benets subscr. for Lin Mill 16<sup>s</sup> 8<sup>d</sup> of this for B<sup>r</sup> Harris."

Francis Ingols, aged about sixty years, testified that the farm he had held for several years past lay waste and unimproved for about six years before he entered upon it. Deponent further testified that there had been a water mill in the town of Linn for about twenty years for the grinding of corn, which the town generally made use of, and that he knew of no stock of cattle of Mr. Humphrey's at any time on the farm as was expressed in the mortgage made by Mr. Humphrey, neither before nor since his improvement of the said farm. Sworn in court.

Clement Cooldome, aged about thirty-seven years, deposed that Mr. Humfrey's windmill was worth one hundred pounds sterling when Mr. Henry Dunster possessed it, and was used in the town of Lyn more than any other mill, the water mill being frozen up in the winter time, and in summer there was not water enough to drive the same. Also, that when Mr. Humfrey's mill was sold, the town was put to such a straight that it was forced to build another tide mill. Sworn in court at Ipswich, Sept. 30, 1662, before Robert Lord,\* cleric.

\*Autograph.

John Waldron v. Richd. Rowland. Trespass upon his swine. Verdict for defendant.\*

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Daniell Salmon, aged about fifty-two years, deposed that Mr. John Humfrey built the windmill and placed it on Sagamoore hill in Lyn, and when Mr. Dunster sold it, it was as fit for use as when first built. Sworn in Ipswich court.

Edward Richards, aged about forty years, deposed that when he was Mr. Humfrey's servant, he had charge of the windmill, etc. He further deposed that Mr. Humfrey left on his farm at Sagamoore hill two oxen, four cows and one mare when he went away and that the farm was in the possession of one Goodman Harper. Sworn in court at Salem, 26 : 9 : 1662, before Hillyard Veren, † cleric.

Thomas Coldom, aged about sixty years, deposed that he tended Mr. Humfrey's mill two or three years off and on, as he could conveniently, and that it was as good and fit for use as when first built, except some small repair of the sails. This could not have made the mill so unfit for service as to be pulled down and carried away, for it was strongly built and good stones belonged to it, and he knew it to be worth one hundred pounds sterling, for he himself was a miller, both here and in old England, and knew what belonged to a mill. The mill did not stand more than two or three years after deponent left tending it. He further deposed that he kept mills in old England and to his knowledge never kept a better one, and he would have given by the year to Mr. Humfrey five pounds and considered that he had a very good bargain. Sworn in court.

Henry Collins, aged about fifty-five years, deposed that when the mill was taken away he and his neighbors were forced to carry corn to Salem to grind, the other mill in Lyne sometimes being dried up in summer and in winter frozen. Sworn in court.

Daniell Salmon and Edward Richards deposed that there was a barn upon Mr. Humfrey's farm which was worth at least thirty pounds when Mr. Humfrey left the farm. Further they testified that they would freely give yearly for the farm ten pounds in its present condition. Sworn in court.

Sameuell Benit deposed that the windmill was sold for all it was worth at that time, for there was then a water mill at Line that ground most of the town grist, and that there was a windmill sold at Salame some time afterwards for twenty odd pounds. Sworn in court.

\*Writ : John Waldron v. Richard Rowland and Mary Smith, widow; trespass upon his swine; dated Nov. 17, 1662; signed by Francis Johnson, † for the court; and served by John Legg, † constable of Marblehead.

† Autograph.

John Codner v. Richd. Rowland. Trespass. Concerning swine killed. Withdrawn.

Mr. George Corwin, assignee of Mr. Frances Deane v. John Godfery. Forfeiture of a bond. Verdict for plaintiff.\*

Tobias Temple v. Paule Mansfeild. Battery. For striking him several blows with a paddle, to the great prejudice of his health and hindrance of his occasions.

Mr. Nathanyell Saltonstall, agent or attorney to Richd. Saltonstall, Esq. v. Tho. Stace. For withholding or detaining 37li. 12s. due to plaintiff, being the remainder of the produce of the mill at Ipswich for about three years and a half, beginning in January, 1658. Verdict for plaintiff. The court did not accept this verdict.

Allen Perly v. Henry Bachelor. Non-performance of a bargain. For not giving him a legal assurance of land he bought of him and for which he paid him. Verdict for plaintiff.†

\*Writ, dated Oct. 28, 1662, signed by Hillyard Veren,‡ for the court, and served by Tho. Chandler,‡ constable of Andover.

A note of what John Godfery has paid in to Mr. George Corwin of Salem & to Mr. Deane : Pd. him by John Tod, 7li. 12s. 6d.; paid by Will. Ballard to Mr. Deane, two Bushells of wheat; pd. Mr. Corwin by Job Tiler 10 Bushlls. wheat & halfe.

Bond of John (his mark) Godfry of Andover to Mr. Frances Dane of Andover, dated June 27, 1661, for 10li. 15s. to be paid in wheat at the now dwelling house of Mr. George Corwin of Salem on or before Oct. 12 next. Wit: Walter Fayerfeld‡ and Robert Lord.‡ Francis Dane‡ assigned this bond, Oct. 27, 1662, to Mr. George Corwin of Salem. Wit : Jonathan Pooll‡ and Samuell Williames.‡

John Godfree's bill of charges, 1li. 13s. 6d.

—— —, aged about forty years, deposed that Job Tiller delivered the wheat at the warehouse of Gordg Curwen for John Goodfry, etc. Sworn, Nov. 12, 1662, before Daniel Denison.‡

†Writ, dated Nov. 19, 1662, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, by attachment of defendant's farm.

John Gage deposed that about the latter end of May last, being sent for to Goodman Pearly's house to give what information he could about the bounds of a piece of land that said Pearly had bought of Goodman Batchelour, he heard Batchelour's wife tell Pearly that she was willing to resign up her right and interest in the said land, and that she was glad he had bought it. Sworn, Nov. 25, 1662, before Simon Bradstreete.‡

Alin Perly's charges, 2li. 17s. 9d.

‡Autograph.

Tho. Perry v. John Emory. For seven or eight bushels of wheat left in his house.\*

Thomas Perly, aged about twenty-one years, deposed that "as my brother Samuelli Perly and Nathaniell Perly & I were at worke together, that Goodman Bachelder & my father sent for us to take notice of the bargaine of land which Good : Bachelder & my father had made, wee being Come Goodman Bachelder related the bargaine to us as thus, That he had sould all the land which he had lying by the pond for fifty pounds, in wheate & Cattell, vpon the which Goodman Bachelder delivered the land to my father, & in our p<sup>r</sup>sence shewed my father the bounds of the land, & more ouer he hired Corpll. Gage to Come & shew the bounds to my father || who || hath impued the land almost euer since without any molestation, & Goodman Bachelder hath feicht Corne almost all sumer & upon the accompt of the land & Good : Bachelder promised to giue my father an Assurance of the said land when his pay was redy, & my father hath payd him all according to bargaine." Sworn, Nov. 20, 1662, before Daniel Denison.†

Isake Cumins, jr., deposed, 20 : 9 : 1662, that he was chosen by Allen Perlye, with Zakeus Gould, to appraise certain cattle and appraised them at forty-two pounds, which they all three drove to Goodman Batcheller's house. The latter demanded more corn and fewer cattle and said Perlye said he had paid him forty-nine pounds and the remainder he would pay in wheat the next day. Batcheller acknowledged that he had already had some wheat, and Perlye told him if he was not satisfied with the appraisal, he could get others, but he refused. Then Goodman Perlye demanded a deed of land, but he did not answer. When they were gone, said Batcheller went after them and offered to sell Perly a pair of the cattle for commodities. The latter said that if he would give him a deed of the land, he would buy a pair of the cattle and give him commodities as they cost him at Salem, etc. Sworn, Nov. 20, 1662, before Daniel Denison.†

Antony Carrall, aged thirty years, deposed that Goodman Batcheller told him that he had sold this land to Goodman Perly and that he had a good pennyworth. Sworn, Nov. 20, 1662, before Daniel Denison.†

Nathaniell Perly, aged about nineteen years, deposed that Goodman Bachelder paid Corpll. Gage a bushel and a half of wheat to show them the bounds, etc. Sworn, Nov. 20, 1662, before Daniel Denison.†

Zacheus Gould deposed. Sworn in court.

Samuel Pearlay deposed. Sworn in court.

\*Writ, dated Nov. 9, 1662, signed by Tho. Fiske,† for the court, and served by Anthone Mors, jr.,† constable of Newbery.

† Autograph.

Administration upon the estate of George Smith, deceased, was granted to Jeffery Marsy and Thomas Rootes, who were ordered to bring in an inventory.

Charles Gott, jr., was sworn constable for Wenham and Ambross Gale for Marblehead.

Edw. Hillyard, attorney to Andrew Woodberye v. Paule Mansfeild. Debt. Due for freight of fish. Verdict for plaintiff.\*

John Emerry's bill of charges, 2li. 4d.

John Emerry, jr., aged about thirty-five years, deposed that his father took pains to carry this wheat aboard John Harises boat, according to Thomas Peryes order. Sworn in court.

John Godfry deposed that speaking with Mr. Juet about the wheat, he told him that he had received it indeed, but Pery owed him a great deal more, etc. Sworn before Charles Gott, Phinehas Fiske and Robert Gowin, commissioners.

Letter of attorney, dated Nov. 22, 1662, given by Thomas (his mark) Perry to his well beloved friend, Richard Coye of Ipswich. Wit : Tho. Fiske† and Thomas White.†

John Emery, sr., deposed that about eight or nine years ago Thomas Perry brought a parcel of wheat to his house to be delivered to Mr. Juet and John Tod, about eight or nine bushels of wheat and about three bushels of rye. When Hareses boat came to gather up corn at Newbery, deponent delivered the wheat to Mr. Juet's account and the rye to John Tod's, and afterward told Mr. Juet of it, by Goodman Perry's order, etc. Sworn before Charles Gott, Phinehas Fiske and Robert Gowin, commissioners.

John Emery, jr., deposed that Thomas Perry asked deponent's father if he could leave his wheat there until the boat came in for Mr. Jewett's corn, which was done. Sworn before the commissioners.

\*Writ, dated 18 : 9 : 1662, signed by Hillyard Veren,† for the court, and served by Samll. Archard,† marshal of Salem, by attachment of house and land of defendant.

Letter of attorney, dated Sept. 4, 1662, given by Andru Woodberye,† mariner, of Salem, to Edward Hillard, mariner, of Salem. Wit : John Cummings† and George Benson.†

Bill of charges, a warrant served at Marblehead and Mathew Nexen, Elias Mason, Edward Hilliard and John Codner, witness fees, etc., 1li. 1s. 6d.

Edward Hilliard, aged about thirty-four years, deposed, 26 : 9 : 1662, that "I went to monheagin wth Andrew Woodberye in a bark; about Eight yeares in June past : and took in the Fish that Pawle Mansfeild and company Caecht : and brought it to marblehead to Jn<sup>o</sup> Coddners stage wheare wee dellyverd it : to Pawle

†Autograph.

Arther Sandy of Marblehead had his former license renewed for keeping an ordinary for the ensuing year.

Mr. John Hathorne of Lynn had his former license renewed for the ensuing year.

John Bartoll was fined 30d. for absence from the grand jury.

Osmand Dutch being arrested to this court by Clement Hadly and the plaintiff not appearing to prosecute, the said Dutch was allowed costs.\*

Osmand Dutch was exempted from common training.

There was a return made that the way in Newbery marsh leading to the bridge was mended, which return was accepted by the court.

Israell and Nathan Webster, sons of Jon. Webster, deceased, presenting their desires in writing, together with their mother's consent, with Jon. Cheney, sr., Robt. Long and Wm. Elsly as witnesses, and said Israell Webster being present in court and manifesting his desire also, that his father-in-law Jon. Emory and brother-in-law Jon. Emory, jr., might be appointed guardians, the court appointed them guardians, and also ordered that the bond given into Ipswich court for security for the children's portions remain in full force.†

John Loomes was freed from common training so long as he continued miller, paying 6s. yearly to the use of the company.

Jon. Trask was freed from training, paying 6s. yearly to the use

mansfeeld : whoe promised to giue Andrew Woodb. a trew acct of it when hee had wayd it : the quantitie as neere as I Conceauc might be about seven or Eight score Quintalls." Sworn in court.

Mathew Nicholson, aged about forty-six years, deposed, 26 : 9 : 1662, that he heard Pawle Mansfeeld ask Andrew Woodbery at Monheagin for freight in his vessel for some fish. Woodbery replied that he would carry it, and if not that voyage, he would come again for it, which he did. Sworn in court.

Elias Masen testified that he heard Paule Mansfield say that Andrew Woodbery brought for him four score quintels and two or three of fish from Monhigen. Sworn in court.

\*Osmand Dutch's bill of costs in Russell's action, 11i. 8s.

†Petition of Israel Webster, ‡ aged eighteen years, and Nathan Webster, ‡ aged sixteen years, for appointment of John Emery, sr., and John Emery, jr., as their guardians, signed also by Mary (her mark) Emery. Wit : John Cheney, sr., ‡ Robert Long ‡ and William Elsly. ‡

‡ Autograph.

of the company, provided he attend at the captain's call or pleasure.

Mr. Georg Corwin was discharged of his bond for the good behavior of Joseph Daliver, and no person appearing, said Daliver also was cleared and discharged.

Mr. John Trumboll was ordered to pay 40s. according to law for not prosecuting his appeal to the Court of Assistants.

Whereas there was administration granted to John Clearke and Allister Greine, upon the estate of Arzbell Anderson, deceased, who gave bond at Salem court, 10 : 10 : 1662, and returned an inventory, this court ordered that upon the clerk's warrant to said John Clerk, the latter was to deliver the estate, which was 38li., into the hands of Allister Greime, and his receipt was to be his discharge.\*

Mary Smith, being summoned to appear at this court by order of the Ipswich court, appeared, and not being able to clear herself of causing much trouble to the court and divers persons by her passionate distempers in difference with her son Richard Rowland, the court ordered her to pay all costs.†

Osmand Traske was admonished for abusing the constable and his assistant in the execution of his office, and was ordered to pay costs and Robert Hibbert's witness fee.

\*Account of debts, dated 25 : 9 : 1662, paid out of Arzbell Anderson's estate, since his decease, by Oliver Purchis:‡ Charges of his Buriall, 2li. 9s. 3d.; keeping his cow In ye Herd yt. summer yt. he dyed, 6s.; debt to Wm. Gibson of Boston, 1li. 9s. 6d.; to Captayne Savage of Boston, 2li. 14s.; to Rowland Mackfashion's order, 5s.; keeping of his cow fro ye end of ye Herd tyme untill ye Court tyme in December past, 7s.; to keeping his mare and colt and keeping them in pasture & Winter meat until ye Court determined in December, 10s.; to Macam Downing, 1li. 17s.; to John Hathorne, 1li. 1d.; to clerk of ye Court for Copies, etc., 5s.; total, 11li. 3s. 9d.

†Copy of Ipswich court record of Sept. 30, 1662, dismissing Richard Rowland and summoning Mary Smith to next Salem court, also copies of all the evidence, including the depositions of Samuel Ward, Samuell Ebern, John Peach, sr., Goody Nichelson, Mary Eburne, wife of John Gatchell, Mary, wife of Elias White, Francis Johnson, John Legg, jr., John Legg, sr., John Gatchell, George Emery, Mary Trevett, Elizabeth, wife of John Legg, and Dorothy Cromwell. Copies made by Robert Lord,‡ cleric.

‡Autograph.



Mr. Edmond Batter, administrator of the estate of Tho. Wilkes, deceased, was ordered to send only 40li. of the estate to England to the widow, and to keep the remainder until the court takes further order.

The General Court, having impowered the county court to dispose of Henry Bachelor and his wife and their estate for their present and future good, court ordered that Thomas Tredwell and Theophilus Wilson provide a convenient place for them in the town; also that said Tredwell and Wilson let out and dispose of their farm and stock for their present and future good and so they may have better opportunities to attend the public worship of God upon the Lord's days, and have comfortable subsistence provided, and to be ready to give account to the court at any time.

John Woolcott, who built the bridge between Newbery and Rowly, promised in court to make the said bridge sufficient, where-in it is adjudged to be defective for want of some little work to be performed. Woolcott promised to secure the bridge until May next, and the county treasurer was ordered to pay him 40li.\*

Sara Buffum, for committing fornication, was ordered to be whipped not exceeding ten stripes or to pay 50s.

The wife of Robert Wilson, for "her barbarous & unhuman goeing naked through the Towne, is sentenced to be tied at a Carts taylor with her body naked downward to her wast, & whipped from Mr Gidneyes Gate till she come to her owne house, not exceeding 30 stripes, & her mother Buffum & her sister Smith, that were abetted to her &c. to be tyed on either side of her, at the carts taile naked to their shifts to ye wast, & accompany her."

This court, considering the unworthy and malignant speeches and carriages of John Kitchin, in open court, saw cause to remove him from the office of sergeant of the foot company, and he was admonished.

\*Thomas Burnum † and Waltter Roper, † who were chosen by the court to view the bridge at Nuberry to see if it were sufficiently built, reported on Nov. 27, 1662, that they "viewed it the last secondt daye and find some defectts which hee hath mended what the tim hath aforded him too doe and will ingage too doe the rest as oppertunity serves and tell itt bee don will ingage too the honoured coartt too secure the brege and that being done which hee ingageth too doe wee suppose itt may bee sofichent."

† Autograph.

Mr. Gedney had his former license renewed for one year.

Mr. Tho. Gardner had liberty granted him to sell at retail what strong waters he had on hand.

Elyas Stileman, administrator of the estate of Elyas Stileman, sr., deceased, was given liberty to perfect the inventory and bring it in to the next Ipswich court.

Whereas some one in behalf of Mr. Richd. Stileman asked this court for liberty to keep an ordinary in Salem, the court answered that if said Stileman come to Salem and have the consent of the selectmen of Salem, and accordingly begin upon the work, he would not be liable to any damage until next Salem court, and then if the court see cause, he should have a license

Worshipfull Major William Hathorne was impowered to end those presentments that this court did not hear and end, concerning such persons as did not frequent the public ordinances, and also Nathall. Carrell for stealing.

Mr. Croad had license granted him to sell strong waters at retail for the year ensuing.

Mr. Georg. Corwin, Mr. William Browne, Mr. Edmond Batter, Mr. Walter Price and Mr. Woodcock had their licenses renewed to sell strong water at retail for the ensuing year.

Will\* of George Farr was presented to this court and proved by

\*Will of George Farr of Lynn, dated July 1, 1662, proved 26 : 9 : 1662 : "My will is that my sonne John should haue the lot of ground that lieth betwen the ground of Captan martialls and the ground of goodman winters also I giue tow acers of salt march which is in Roumly march to my sonne John to him and his ares for euer Also it is my will that my sons lazerous and Bengamin should haue my hous and all the land About it and the lot that lyeth near the land of Captan || martiall || and iohn lueces to them and to thare ares for euer and if onny of them die before he be at age then thare porshon shall goe to my sones that doth life ether iohn lazerous or Bengamin Also it is my will that my wife shall haue hare thirds of all my estat so long as she doth reman a widdow but in Cas shee should marry then hare thirdes should sease and shee shall haue that which shee and hare sones shall Agree for and after har deasease hare thirds shall goe to my three sones namely iohn lazerous and Bengemin Also it is my will that my sone ioseph shall haue fifty shillings when he Comes to age Also it is my will that my four douter[s] namely mary marthr : Elizebeth and sarah shall haue fifti shilins apese and mary and martha should haue it paed to them tow yeare after my deasease and that Elizebeth and

oath of Henry Silsby and allowed, as was also an inventory\* amounting to 108li. 8s.

The servants of Mr. Gidney's house were allowed 6s. 8d.

Fined by Worshipfull Major Wm. Hathorne : On 1 : 6 : 1662, Tho. Lyon fined 10s. for unlocking a door and stealing; on 24 : 6 : 1662, Frances Capes, Capt. Moore's man, fined 20s. for swearing more than once; on 17 : 9 : 1662, Paule Mansfeild fined 20s. for breach of the peace and striking Tobias Temple.

Presentments brought into court, 28 : 9 : 1662, and found: These several persons were fined for frequently absenting themselves from the public ordinances on the Lord's days, John Kitching, wife of Robert Buffum, Phillip Veren, the wife of John Suthwick, John Smale, wife of Henry Trask, Mihill Shaffin, Hana Burton, wife of Richd. Gardner, Damorice Pope, 13li. for fifty-two days, each; wife of Anthony Needham, 5li. for twenty days; Samuell Shattock and his wife, 15li. each for sixty days; wife of Robert Wilson, 10li.; wife of Mr. Tho. Gardner, 40s.; John Mastone, 7li. 10s.; wife of Robert Stone, wife of John Smith, wife of Joseph Pope, Danyell

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sarah shall haue thares paed to them foure yeare after my deseas Also it ||is|| my will that ||my|| mare and Cattel and my housould goods shall be for the euse of my famely It is my will m' laton and Francis Burrill and allin Brad iuner shall be the ouerseers of my wif and Children." George (his mark) Far. Wit: Henery Sillsbey† and Francis Burrill†

\*Inventory of the estate of George Farr, deceased, taken, 24 : 9 : 1662, by Henry Collins, sr., † and Henery Sillsbey:† Beding, 1li. 10s.; baggs, sifes and roopes, 1 li. 2s.; a table and forme, 12s.; pcell of barrells, wheels, chairs and forme, 13s. 6d.; pcell of milking vessels and barrells, a churne, 17s.; one pottage pot, one kettle, a smothing Iron, one fryinge pann & a paire of tongs, 17s.; five old Axes & one spade, 11s. 6d.; one cart roope, 8s.; tow siths, tow forkes and a handsaw, 7s.; one muskett and a sword, 15s.; one pcell of old bookes and tow pots & old pecke and a paire of spininge cards, 6s.; one bettle & wedges, 4s.; thirty Bush. of Indian corne, 4li. 10s.; one weavers lume wth the tacklings, 2 li.; one cart and whels and one plough with the tacklings, 1li. 10s.; one paire of oxen, 12li.; tow cows, 8li.; one heifer, 1li. 15s.; one calfe, 1li.; three hoggs, 4li. 10s.; tow piggs, 10s.; one mare, 8li. 10s.; one dwellinge house and some outhousinge wth. the lote it stands upon, 20li.; eight acres of upland, 16li.; eight acres more of upland, 16li.; tow acres of salt marsh in Rumley march, 5li.; total, 109li. 8s.

† Autograph.

Sothwick, Provided Sothwick, Samuell Gaskill and Joseph Boyce, each, 6li. 10s.; Josiah Sothwick and his wife, 13li.; also the wife of John Smale, John Blevein, John Burton, sr., Joseph Pope and Robert Stone were convicted of being frequently absent from the public ordinances.\*

Fined by the worshipfull Major Wm. Hathorne : On 13 : 10 : 1662, William Mastone, 6li. 10s. for twenty-six days' absence from public ordinances; John Smith and Nathanyell Tompkins, for frequent absence; Nathaniell Carrell, † 20s., for stealing three pecks of wheat and a bag out of the mill.

\*The wife of John Kichine, wife of Philip Verin, Nickalas Phelpes and his wife, wife of John Small, Richard Gardoner, Willam Maston, wife of Gorge Gardener, John Hill and Mary Kichine were also presented. Wit : William Flint, Thomas Rootes, John Neill and Anthony Buxton.

†John Trask, ‡ aged twenty years, and John Ward, ‡ aged twenty years, deposed, 25 : 4 : 1662, that they heard that the mother and wife of Nathanyell Carill said that he had told them he had stolen the wheat, and Carill told deponents he threw the bag into the river, showing them the place where he threw it.

Inventory of the estate of Thomas Smith, late of Salem, deceased, taken, 17 : 4 : 1662, by Jefferie Massey † and Tho. Rootes : ‡ A dwelling house and quarter of an acre of land, 18li.; one Cowe, 4li.; 3 sheepe & 3 lambes, 2li. 10s.; 1 sowe, swyne & 2 shuits, 2li. 8s.; 1 feather bed, 3 feather boulsters & 4 feather pillows, 8li.; 2 beds fild wth. Flockes & otherwise, 2li.; 1 halfe head bedstead & 2 other bedsteeds, 1li. 4s.; 1 Greene Pott Rug, 1li. 8s.; 2 white blankets, 1li. 5s.; 2 bed Coverings, 1li. 10s.; 5 payre of Canvas sheets, 2li. 10s.; 5 payre of pillow beeres, 18s.; 5 table napkins, 12s.; 2 pewter dishes, 5s.; 1 pewter quart & 1 pewter pint, 7s.; 5 sawsers of pewter, 2s.; 1 beaker, 1 Cupp, 3 potenshees, 1 Candlesticke & 1 salt, 12s.; 2 basons, 1 Chamber pott, 1 brass candlestick & 2 bras cups, 15s.; 2 brass ketles, 2li. 15s.; a little brass kette & a brass skellit, 6s.; 2 Iron pots & one Iron possnett, 18s.; 1 truncke, 1 Chest, 12s.; 2 Frying pans and a warming pan, 12s.; 2 spits, 2 hakes, a gridiron and five shovells & tongs, 16s.; over sea dishes of severall sorts, 1li.; 6 Cheares & 2 litle tables, 12s. 5d.; 2 hogshed barrells and other treene ware, 1li.; sword, musket & bandalires, 1li. 6s.; 3li. wool, 4s.; a shuete of apell, viz., Coate & breeches, 2li. 10s.; Coate, briches & wascote, 1li. 15s.; 1 hatt, 8s.; 1 payre of shag, 1 pare of stockens, 10s.; 2 shirts, 12s.; 2 shirts, 10s.; total, 63li. 15s. Debts out of the estate, 34li. 9s. 5d. The widow was not able to come to court, but the inventory was allowed at Salem

† Autograph.

## COURT HELD AT IPSWICH, MAR. 31, 1663.

Judges: Mr. Simon Bradstreet, Mr. Samuëll Symonds, Major Genll. Denison, Major Will. Hathorne and Mr. Edward Woodman.

Jury of trials: Lt. Samuëll Appleton, Joseph Mettcalfe, Thomas Bishop, Mr. Samuëll Rogers, Thomas Low, Robert Day, Hercules Woodman, Robert Addams, William Cottle, James Barker, Ezekeiell Northend, William Nicolls and Sergt. Rich. Jacob, in Lin actions.

court, 26: 9: 1662, and the estate given into the hands of the widow for the bringing up of the children.

Execution, dated July 21, 1662, against Edward Calcord in satisfaction of a judgment granted John Hathorne at Salem court, 26: 9: 1661, signed by Hillyard Veren,\* cleric. Samuel Archard,\* marshall, on July 22, 1662, appointed John Clearke of Hamersmith his deputy.

Execution, dated Aug. 10, 1662, against Richard Ormsby in satisfaction of a judgment granted John Godfery at Salem court, June 24, 1662, signed by Hillyard Veren,\* cleric. Samuëll Archard,\* marshal, on 24: 7: 1662, appointed Robert Lord,\* marshal of Ipswich, his deputy, who attached ninety-six acres of upland and six acres of marsh, appraised at four score and sixteen pounds, belonging to said Ormsbee. The appraisers were John Sevrance of Salisbury, John Emery of Newbery and Robert Lord of Ipswich. Bond of Jeremiah Jewett.\*

Execution, dated June 26, 1662, against Jonas Moore in satisfaction of a judgment granted Mr. Peeter Duncan at Salem court, June 24, 1662, signed by Hillyard Veren,\* cleric, and served by Thomas Judkins,\* constable of Glosester, deputy of Samuëll Archard,\* marshal of Salem. Peter Duncan's\* receipt to the constable, dated July 5, 1662, for eight pounds, four shillings.

Walter Roper's bill of cost against the town, going to Newbury and Salisbury, 1li. 2s. 2d.

Walter Roper's bill of cost against William Sanword, going to Newberye, 1li. 4s.

Walter Roper's bill of cost against William Eiffer, going to Newberie and Salsbery, 1li. 1s. 8d.

John Emery's bill of cost, 1li. 10s. 6d.

Bill of cost of James Barker, Tho. Wood, widow Smith, Marke Prime, John Tod, John Grant and John Dresser.

Job Tiller's bill of cost, 2li. 17s. 6d.

Goodwife Griffen's bill of cost, 1li. 17s. 10d.

Bill of charges of Lt. Samll. Appleton, for services of Ro. Day, John Tod, Corpll. John Whipple, Tho. Clarke in attachment of Willm. Assee, 12s. 7d

\* Autograph.

Civil cases:—

Cornelius Walldo v. William Warener. For shooting his horse. Withdrawn.

Samuell Plummer v. Charles Browne. Trespass. Verdict for plaintiff, the heifer to be his.\*

\*Writ: Samuell Plumer v. Charles Browne; trespass; for taking up a heifer of his from Nubury Neck, which he had bought of Thomas Hale, jr., and refusing to deliver her; dated Dec. —, 1662; signed by Robert Lord, † for the court; and served by John Palmer, deputy constable of Rowley.

Summons to Charls Browne of Rowly, dated Mar. 23, 1662, and signed by Robert Lord, † for the court.

Samuell Plumer's † bill of costs, 1li. 19s. 4d.

John Hopin † deposed that two years ago last Micklemas Charls Browne lost a black heifer, and at the same time there was a beast killed at a place called "the straits as we go to the ry field." He also heard Browne's wife say that she feared it was their heifer, etc. Sworn in court.

Thomas Hale, jr., † deposed that the heifer came of a black cow which he sold to brother Lambert and that she was a very poor calf. The first two winters they gave her a great deal of bread and corn to keep her alive. He put her in the Rowley dry herd and she had the same ear mark as his other cattle, the top of the left ear cut off and a slit down the top of the right ear, and was also branded on the horn with his brand mark, like his other cattle. Sworn in court.

Andrew Heddan, aged about forty years, testified that after the heifer was put into the dry herd, he told the wife of Charls Brown that he saw her in Rowley common field upon John Harris's ground, but his time of keeping the cows had expired and she must look after it herself. He further testified that about midsummer this heifer and two small cattle left the dry herd, came to the town and went with the cow herd, keeping constantly about Charls Brown's yard.

John Lambert, aged about thirty-four years, deposed that he heard Mary, wife of Charls Browne, say, etc. Sworn in court.

John Poore, sr., † aged about forty-six years, deposed that Thomas Hale, jr., of Newbury bred four calves in the year 1659, and their cattle went constantly together to his spring to drink. This heifer in controversy was one of the four, etc. Sworn in court. †

John Poore, jr., aged about twenty years, also deposed. Sworn in court.

† Autograph.

‡ Shorthand written on reverse of this paper.

William Pritchett v. Anthony Carroll. Trespass For keeping possession of a house and land. Verdict for plaintiff.\*

Hanah Poore,† aged about fourteen years, deposed that she went to live with Thomas Hale, jr., of Newbury, Apr. 8. 1661, and remained a year, and the heifer in controversy is the same heifer that belonged to said Hale, it being very much like a heifer of her brother John Poore's. Sworn in court.

John Hobkinson, aged about seventeen years, deposed that in the year 1660 he saw Charls Brown's heifer shortly before winter in the farm commonly called Mr. Dummer's farm, hard by Newbury gate, etc. Sworn in court.

\*Writ: William Pritchett v. Anthony Carroll; trespass; for keeping possession of a house and land, which was sometimes Frances Ursleton's, and now the said Pritchett's by the sale of a mortgage from John Godfry to him; dated Mar. 23, 1662; signed by Robert Lord,† for the court; and served by Robert Lord,† marshal.

Whereas there was a mortgage of a house and land to Frances Urselton given by John (his mark) Godfry for the payment of fifty odd pounds to said Godfry at the end of two years next March, the latter extends the time two years longer; dated Nov. 30, 1659. Wit: George Emery† and Robert Lord.†

Robert Lord deposed that the writings which he made were upon the consideration of a judgment that Frances Urselton had obtained, etc. Sworn in court.

Sale of mortgage by John (his mark) Godfry || of Andover to William Pritchett of Ipswich, for 59li. 9s. 8d., of a house and land which was mortgaged to said Godfry by Francis Urselton, situate in Topsfield, and containing twenty-six acres, bounded by a ledge of rocks on the north, Mr. Baker's meadow on the west, a brook from Mr. Baker's meadow on the south and by a brook from the pond on the east; dated Nov. 16, 1660. Wit: Robert Lord† and Mary Lord. Acknowledged, Nov. 16, 1660, before Daniel Denison.†

Mortgage deed, dated Feb. 17, 1658, Frances (his mark) Urselton|| of Topsfield to John Godfry of Andover, his dwelling house and all his land in Topsfield, which he bought of Daniell Clarke, containing about twenty-six acres, for 59li. 9s. 8d., to be paid in 1662, in wheat at 4s. 6d. per bushel and Indian corn at 2s. 8d., at the dwelling house of Phillip Fowlar in Ipswich. Wit: Robert Lord† and Philip Fowler. Acknowledged, Feb. 17, 1658, before Daniel Denison, John Godfrey promising to return this mortgage to Francis Urselton if he, the said Godfry, died within the four years.

† Autograph.

|| Seal.

Sergt. Andrew Mansfield v. John Hathorne. Slander. In charging before the church, etc. Verdict for plaintiff. The defendant was to make a public acknowledgment in the meeting house at Linn within thirty days. Not consented to by the court.\*

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John and Thomas Kimball deposed that they were present when Pritchett took possession of the house, and the latter left orders with the wife of Anthony Carrill that if her husband would remain there he must come and agree with said Pritchett or else provide himself elsewhere.

\*The writ dated Mar. 11, 1662-3, whereby John Hathorne was attached upon complaint of Andrew Mansfield in an action of slander for breaking the ninth commandment in bearing false witness against him, was declared void.

Writ: Andrew Mansfield v. John Hathorne; slander; charging him before the church at Linn the last summer that he had broken the ninth commandment in bearing false witness against his neighbor in the testimony he had given at Ipswich court, and at another church meeting, also charging him with the same; dated Mar. 18, 1662-3; signed by Tho. Fiske, † for the court; and served by Allen Bread, † constable of Lin by attachment of defendant's dwelling house.

“Reverend & loving Friends & brethren, wee understand that Jo: Haythorne hath accused And. Maynsfeild & Langley in the Ch: of Lyn for giving a false test. agst himselfe & Z. Collins att the Court of Ipswich in March was 12 month & for w<sup>ch</sup> the s<sup>d</sup> M & Longly stand convicted in y<sup>r</sup> Church & finding himself greived thereat hath brought this complt. agst the s<sup>d</sup> Haythorne in seurall accounts of scland<sup>r</sup> w<sup>ch</sup> hath had a full & imptiall heareing & due examinacon & by the virdict of the Jury the s<sup>d</sup> H found guilty now because it is much to be desired that contrary indgement in one & the same case may be prevented if possibly it may be attained & one power not || to || clash agst the other wee thought it expedient before wee giue iudgement in the case to comend the same to the serious consideracon & further examinacon thereof of the church wee doubt not but there hath bene err<sup>s</sup> more then a few both in the words & carriage of all the pties (though not the crime alleadged) w<sup>ch</sup> if it may please god to putt into their hearts to see & owne soe as may giue the Church optunyty & cause to change their mynd & reverse sensures soe farr as concerne the pticular case in question wee hope it wilbe acceptable to god satisfactory to || orselues & || others & the beginging of y<sup>r</sup> owne peace & quyet, the disturbance whereof hitherto wee are very senceable of & shall att all tymes be ready to afford yu o<sup>r</sup> best releife as wee may haue optunyty or cognisance thereof & had you beene pleased

†Autograph.



before y<sup>r</sup> final conclusion to haue giuen us the grounds of your offence wee should kindly haue resented such a request, and, probably much of your trouble might haue beene prevented wee haue deferrd giuing iudgment in this case till the next Sessions of this Court to see w<sup>t</sup> effect this o<sup>r</sup> mocon may haue the god of peace & wisdom giue you understanding in all things & guide you to such conclusions in this & all other causes of consequence as may be agreable to his will & conducing to y<sup>e</sup> peace & welfare. soe prayes

"Apr. 4 . 63

Y<sup>r</sup> lo: Friends & brethren

"Robt Lord Clerk

"by order of the County Court

"at Ipswich."

"Reverend & beloved

"Wee are very sorry our endeauors haue not produced that effect wee hoped and desired but seemes to haue beene interpreted contrary to our intentions (& wee conceiue our words) as an ineroachment upon and destruction to the right or power of the chhs, we haue beene taught & doe verily belecue the ciuil and ecclesiastical power may very wel consist, and that no cause is so purely ecclesiastical but the ciuil power may in its way deale therein, we are farr from thinking the chhs haue no power but what is deriued fro the chtian magistrate or that the ciuil magistrate hath ecclesiastical power, yet may and ought this matter so requiring take cognizance and giue iudgment in ecclesiastical cause not in a chh but ciuil way wee suppose wee haue kept much within these bounds in the case that hath beene before us and that our opinions & practice heerein hath beene as cleare from ecclesiasticisme as some mens assertions haue beene from the opposite error the declared Judgments of our congregational diuines in that point wee owne & desire to regulate our proceedings accordingly The God of order guide all o<sup>r</sup> administration to his glory and the peace & edification of his people.

"By order and unanimous consent

"of the county court sitting at Ipswich

"May 5th 1663

"p me Robert Lord cleric."

John Longlye, aged about twenty-three years, deposed that he heard John Hathorne charge Andrew Mansfeild before the church at Lynn in the meeting house, saying "I charge you with beareing false wittnesse against mee & others concerned in the testimonye you swore unto at Ipswich Court," and that he would prove it by the papers he had giuen to the church. Mansfeild said he never understood that to be his charge and said Hathorne asked him where he had been all this while. Mansfeild replied, "Just where I am now." This matter was in hand before the church a con-

Samuell Ingalls, attorney to Mary King v. Twifoote West. For refusing to deliver a colt. Verdict for defendant.\*

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siderable part of the last summer. Sworn, 25 : 1 : 1663, before Wm. Hathorne.†

Richard (his mark) Johnson, on Mar. 12, 1662-3, deposed the same. Sworn, 27 : 1 : 1663, before Wm. Hathorne.†

John Mansfield,† aged about forty-four years, deposed. Sworn, 25 : 1 : 1663, before Wm. Hathorne.†

Robert Coates, aged about thirty-six or thirty-seven years, deposed. Sworn, 25 : 1 : 1663, before Wm. Hathorne.†

Thomas Couldam, aged about twenty-five years, deposed. Sworn, 25 : 1 : 1663, before Wm. Hathorne.†

Robert Lord, marshal, and William Longlye, aged about forty-eight years, deposed. The latter said that he heard marshal Robert Lord tell Andrew Mansfield that he had taken John Hathorne's horse by execution, and would have said Mansfield appraise it, which he did and the marshal delivered the horse to deponent, etc. Mary Longlye testified to the same.

\*Writ, dated Mar. 21, 1663, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal, by attachment of house and land of defendant.

Caleb Kimball deposed that Samuell Ingalls came to his house and asked him if he did not know the colt that Twiford West had taken up for a stray, and he said he did. They tried to find the colt and could not. This colt had a piece of his ear cut off. Sworn in court.

John Jewett deposed concerning the colt. Sworn in court.

Dannell Ela and Josua Boynton deposed that the colt which West took up had no earmarks. Sworn in court.

John Knoulton deposed that when Samuel Gagge marked the colt, he desired John Griggory and himself to hold the colt, and the only mark he gave was a small cut on the side of the right ear, and only a drop or two of blood followed. John Gregory affirmed the same. Sworn in court.

Deposition of ——— that Samuell Ingalls' sister Mary King brought a horse colt which was kept with a horse of Goodman Goodhews, etc. Sworn in court.

Thomas Verny deposed that the mare and colt which Goodman Ingals had in his possession of his sister Mary King, were in deponent's keeping part of the winter before the colt went away. The colt had many gray hairs about his head. Deponent could find no mark upon the colt after Sam. Gage said he had marked it, and Goodman West refused to let them see it, after it had been taken up as a stray. Sworn in court.

† Autograph.

Jonathan Singletary v. John Godfry. For not giving plaintiff a general acquittance. Verdict for plaintiff, an acquittance from the beginning of the world to Feb. 18, last.\*

Samuel Ingals deposed that coming home late one night when it begun to be dark, he met Samuel Gage and deponent ask him if he had found his colt and he said he had. "I asked him whear he was and he said thear he is and I said no that colt by the hege is min and he said he had marked him he thought and I tould him if he had marked him he had beter have let him alone." Sworn in court.

John Gidding deposed that he saw the colt with Goodman Goodhew's horse about Avrill hill, etc. Sworn in court.

Thomas Clarke, aged about twenty-five years, deposed. Sworn in court.

Richard Coy, Edward Neland and John Lambert deposed. Sworn in court.

Thomas Kimball deposed that he met Samuell Ingalls at the mill last summer, who asked him how he could see the colt when his withe was off. Deponent replied that if he had been with him the last week he might have seen him without his withe, and furthermore told Samuell that he had snarled himself in telling several different stories, etc.

\*Writ: Jonathan Singletary of Haverill v. John Godfre; for not giving plaintiff a general acquittance, etc.; dated 27 : 12 : 1662; signed by Thomas Leaver,† clerk, and served by Robert Lord,† marshal.

Jonathan Singletary's bill of charges, for journeys to Newbury, Ipswich and Andever, 3li. 4s. 6d.

Richard Singletarey, aged about seventy years, deposed that he and Thomas Blomfield being at Ipswitch upon Feb. 18, last, as agents for Jonathan Singletary who was then in prison upon several executions of John Godfres, they tendered said Godfre a parcel of land in satisfaction of said execution. "John Godfre s<sup>d</sup> y<sup>e</sup> Land I will neuer medle w<sup>th</sup> except y<sup>e</sup> Law Constraineth me to take it & so turned his back nay staye John s<sup>d</sup> one of us & lett us haue a fewe words w<sup>th</sup> you o<sup>r</sup> Coming is to make A full & fineall end bettwene Jonathan & you if we Can w<sup>th</sup> out any more law well sayed godfre as for y<sup>e</sup> land I will not medle w<sup>th</sup> but if you will fetch me or pay me in goods for these executions which he is now in prizen upon I will giue him A full & generall aquitance of all debts & deues & all things," etc. Godfrey said he would take the goods whenever they were brought to him. Sworn, 24 : 1 : 1662, before Simon Bradstreete.†

Theophilus Wilson† certified to Godfres having received the goods, etc. Sworn in court.

† Autograph.

William Warrener v. Cornelius Waldo. For not performing the covenant of his indenture. Verdict for defendant.\*

Mr. Anthony Crosbye v. John Pickard. For non-performance of a bargain. Verdict for plaintiff. Seven hundred acres to be set out to him within three months' time. The court did not accept the verdict.†

Thomas Blomfield testified that Godfre once offered to settle for a great deal less than was afterward paid, etc. Sworn in court.

\*Writ, dated Mar. 16, 1662, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal.

Richard Brabrook deposed that Mr. Walldoe sold William Wariner to him "living or dying staying or runing, and all the Clothes he had when he came to me were hardly worth the taking off the dunghill except a payre of shews." Sworn in court.

James Ford deposed that when William Wariner's time was nearly out, Mr. Walldoe asked whether he would give him three months' more work to compensate for the time he had misspent or go to prison. Deponent said that when Wariner ran away, Mr. Walldoe severely punished him for it, and that said Wariner would have gone over the river to ask counsel, but Walldoe would not let him. Sworn in court.

Fransis Norwood deposed. Sworn in court.

Reanalld Foster deposed that when Mr. Walldoe dwelt at town. he put Wariner off to Goodman Coy, and said to deponent, "I wounder how men doe use servants that they run away, for he never run away from me." Sworn in court.

Indenture of Willem (his mark) Worrenr, dated May 28, 1657, to serve his master Cornelius Walldo three months longer, June, July and August, in consideration of misspent time. He released his master of one suite of clothes which was expressed in the indenture, said Walldoe promising to give him one suite which Mr. Ipes was to help him to, also one new hat, one new pair of hose and shoes and two shirts. Wit: Fransis Norwood and James Foord.

†Writ, dated Mar. 12, 1662-3, signed by Thomas Leaver,‡ for the court, and served by John Todd,‡ constable.

Agreement, dated Nov. 22, 1657, between Anthony Crosbe‡ and John Pickard,‡ both of Rouly, the former selling by way of exchange all the land he bought of Goodman Boyes, being thirty-seven acres, for seven hundred acres of land, "w<sup>ch</sup> are the right off 5 lots one belonging to John Pickerds owne lott one toe aker lot more one half to aker lott 1 to aker and half lots this 700 akers off Land lyes in rouly uillage 400 akers of w<sup>ch</sup> land is Already laid outt on partt att aplace called the uilige Plaine bounded on one side by rouly line on the other side by the high way to andiuer

‡ Autograph.

William Longly v. John Hathorne. Slander. Verdict for plaintiff. The defendant was to make a public acknowledgment in

the other 300 akers is itt to layout w<sup>ch</sup> 300 Akers akers is to ly nigh ajoying to the fore said 400 akers and is to bee Judged by indiferent men to be as good and convenient as 300 akers of the fore said 400 akers," etc. Said Pickerd, in consideration of the aforesaid land, agreed to give twenty pounds in merchantable wheat and barley, half by Jan. 1 and half by next Mickelmas. The farm Crosbe sold was called Manins farm. Wit: Ezekell Northend† and Jonathan Platts,† who made oath in court.

Deed, dated Mar. 22, 1661, John Pickard‡ to Mr. Anthony Crosbie, seven hundred acres, bounded on the east partly by the line between the village land and the town land and partly by land laid out to Ezekiel Northend, on the north by a pond and a highway, on the west by land reserved for a minister's lot, and on the south by the highway to Andever. The rest of the land on the south-west side of the highway was bounded on the south by land of Thomas Dickinson, on the west by land belonging to Topsfeild men and John Pickard, running on a straight line from the white oak tree which is the Topsfeild men's northeast corner to another white oak tree near Dickinson's other land, and on the north by said Dickinson's where it joins upon a pond, the pond being the bounds until it reaches the brook that flowed out of the pond, and so along until it cleared a chanally place that is an ordinary way under the brook, then by the minister's lot, keeping clear of a meadow, lying north of a pine swamp and pond until it comes to a walnut tree on the Andever way, the latter being the east bounds, etc. Wit: Robert Lord,† marshal, and John Paine.† Recorded in Ipswich court records, folio 65, by Robert Lord.† recdr. Acknowledged, Mar. 22, 1661, before Daniel Denison.†

Mr. Crosby's bill of costs, 3li. 11s.

John Pickard's bill of costs, 2li. 1s.

Samuell Brocklebanke, aged about thirty-five years, deposed that John Pickard and Mr. Anthony Crosbie were at his house and the latter asked him to write a deed of some land that said Crosbie had sold to Pickard. Crosbie said he did not remember that he had sold any more land in the village land except the right of those three lots he had bought of Robert Swan, but he told Pickard if he owned any more there that he had sold him all, excepting the land that he had bought of the said Pickard and the two hundred acres that he had bought of deponent. He further promised that he would get said Pickard deeds of security from Robert Swan. They also agreed that the twenty pounds were paid part by the meadow and the rest at Mr. Jewet's and John Tod's. Sworn in court.

† Autograph.

‡ Autograph and seal.

Linn meeting house within thirty days The court did not consent to this verdict.\*

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Ezekell Northend, aged about forty-one years, deposed that after he had agreed with John Pickard in behalf of Mr. Crosbie, etc. Sworn in court.

Anthony Asten, aged about twenty-seven years, deposed that being at Boston when Mr. Crosbie was ready to go to England, the latter employed him to write some letters to send to his friends at Rowley. Among them was one to Goodman Northend, in which he gave said Northend authority to agree with John Pickard in his behalf, etc. Sworn in court.

John Mighell deposed that he heard John Pickard say that he intended that Anthony Crosbey should have a certain parcel of land in the village, and he would have had it if they had not quarrelled. But he had saved a hundred acres by it. Owned in court by John Pickard.

James Bayley, aged about fifty-one years, deposed that he, Ezekiel Northend and Sameull Brocklebank were present when the land was laid out to Mr. Crosbie, and they laid out more to said Crosbie than the agreement called for. When the bounds were agreed on and marked, said Northend promised that paper called articles should be burned or made void. Sworn in court.

Ezekell Northend, aged about forty-one years, deposed that, when Pickard and Crosbie had differed about the land, deponent received a letter of authority from Mr. Crosbie, etc. Sworn in court.

Samuell Brocklebank testified that the Rowley lot layers estimated the village land in the proportion of two hundred acres of upland and eight acres of meadow to the right of a two acre lot and so proportionally to lots greater or lesser, the acre and half lots right being but the third part of a two acre lots right. Sworn in court.

Ezekill Northen deposed that he was one of the lot layers and that John Pickard had only one hundred and ten acres of village land laid out to him. Sworn in court.

\*Writ, dated Mar. 18, 1662-3, signed by Tho. Fiske,† for the court, and served by Allen Bread,† constable of Lin, by attachment of the land and orchard of defendant.

John Fuller,† Thomas Newhall,† Thomas Marshall† and Oliver Purchis† certified that at a church meeting in the cause of William Longly in Lynn, "John Hathorne asking William Longly what he looked upon to be a tender of land to an execution the sd longly answered that is Henry Collins had said this is my owne land take that for yo<sup>r</sup> execution." Sworn in court.

Copy of the execution of Oct. 14, 1661, made by Robert Lord,† cleric.

† Autograph.

John Mansfeld, aged about forty-four years, deposed that at a church meeting at Mr. Whitting's house, John Hathorne, charged William Longley with the breach of the ninth commandment in bearing false witness against his neighbor. Said Longley asked said Hathorne who that neighbor was, and he replied against him and Henry Collins. Sworn, 27 : 1 : 1663, before Wm. Hathorne.\*

Alexander Brabiner, aged about fifty years, deposed. Sworn in court.

Nathaniell Hanforth,\* aged about fifty-four years, deposed. Sworn, 28 : 1 : 1663, before Wm. Hathorne.\*

Jonathan Walkett\* testified that "being at the house of Henry Collins when the Marshall (as they called him) of Ipswich was there to leuie an excecution (as he said) after the excecution was read & goods demanded by the s<sup>d</sup> Marshall: Henry Collinges said after he had made an excuse: it not being his propper debt, the s<sup>d</sup> Collins said to mee & to the rest that were by: take notis what I saye to the Marshall, and said you are best take the land that was attached to the action which is by o<sup>r</sup> buerieing place or els sd he here is the Towne Common: before my gate take that for your satisfaction, the Marshall said he would not or that he was not bound to goe out of the yard but I must sd he have some of yo<sup>r</sup> own goods then said Henry Collins here is twenty acres of my owne land behind my house you shall haue that for to satisfie yo<sup>r</sup> excecution many words the sd Collins used for to perswade the sd Marshall to take these lands or any of them but the sd Marshall sd seuerall times he || would || medle with noe lands but still did demaund of the sd: Collins to shew him some cattell for to leuie his excecution upon then when we were in the yard, after other discourse the Marshall read the Excecution & sd I leuie this excecution upon yo<sup>r</sup> body and charged asistance, there being some space of time between the seasing of the excecution ther going into the house all which time John Hathorne was some distance from Henry Collins till the || sd marshall || sd to Henry Collins gett yo<sup>r</sup> hatt & then we all turned & went into the house and that when we were in the yard || asone || as the Marshalls word was out of his mouth in saying I leuie it upon yo<sup>r</sup> body says william longly here be horses or meares in the yard that he owned except a colt of his sonns the Marshall said he would not leuie an excecution twice." John Collins and Edward Ireson testified to a portion of the same. Sworn, 25 : 1 : 1663, before Wm. Hathorne.\*

Copy of the depositions of Edward Ierson and John Collins, which were sworn to 17 : 1 : 1661-2, made by Robert Lord,\* cleric.

John Witt and Thomas Newall deposed that they heard William Longlye acknowledge in the church that he was troubled because the marshal levied the execution upon the body of Henry Collins, and said he should have thought he would have taken his cattle. Sworn in court.

\* Autograph.

William Longly v. Richard Haven. For coming upon his ground, violently laying hands on him, and abusing him in words and deeds.\*

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Copy of depositions of Andrew Mansfield, Henry Collins and William Longlye taken at Ipswich court, Mar. 25, 1662, made by Robert Lord,† cleric.

Copy of deposition of Robert Lord, marshal, sworn, Nov. 3, 1662, before Daniel Denison, and in court at Ipswich, Mar. 31, 1663, before Robert Lord,† cleric.

Copy of deposition of Edward Ierson, taken 17 : 1 : 1661-2, made by Robert Lord,† cleric.

Copy of deposition of Robert Burges, taken Mar. 22, 1661-2, made by Robert Lord,† cleric.

“Mr. Hathorne I have heere sent you the copies you sent for to be sent you w<sup>ch</sup> according to order court come to 3<sup>e</sup> &c.

“Yours

“Robert Lord.”†

Richard Jonson, aged about fifty one years, deposed that at the church meeting when Longly desired Hathorne to tell who the neighbor was “then m<sup>r</sup> Hathorne saide how ketching are you att a word Hathen I have nott soe donne by you,” etc. Sworn, 28 : 1 : 1663, before Wm. Hathorne.†

\*Writ, dated last of Feb., 1662, signed by Robert Lord,† for the court, and served by Allen Bread,† constable of Lin, by attachment of the dwelling house of defendant.

Copy of deposition of Robert Burges, taken Mar. 22, 1661-2, made by Robert Lord,† cleric.

Isake (his mark) Ong deposed that he heard “goodman Havens wife axe dannuell Mathew: whether hee did heare hir husband saye y<sup>t</sup> hee would laye goodman Longlys hart blod upon y<sup>e</sup> ground || and take him by y<sup>e</sup> berd || & dannuell did answer: y<sup>t</sup> goodman longlys folks did lie att him to say soe: but for my part sayd hee I cannot for if I showld I showld sweare falsly.” Sworn, 31 : 1 : 1663, before Wm. Hathorne.†

Ezekell Nedham† deposed that “when y<sup>t</sup> I did live with beniamine Briscoe in y<sup>e</sup> yeare 1661: there cam a man & fell out with my m<sup>r</sup> Briscoe & stroke my m<sup>r</sup> in his shope: where ther was none but my m<sup>r</sup> & my selve & y<sup>e</sup> man & dannuell Mathew did profer for to swere y<sup>e</sup> Brimmat did strike my m<sup>r</sup> when y<sup>t</sup> hee was in another rome with y<sup>e</sup> Child where hee Could not see him stroke.” Sworn, 31 : 1 : 1663, before Wm. Hathorne.†

Mary Longley, aged about nineteen years, deposed that “last summer, about the time that peace began to be ripe: I this de-

† Autograph.



William Longley v. Thomas Newhall. Battery. Verdict for plaintiff.\*

ponant being in our yard one morning: Richard Heauen came to me and asked me where my father was: and I perceiue that he was angry by his Countenance and by his carriage, I told him: I would not tell him where he was for him to have his will of him: and the said Heauen said I will find him out if he be to be found: and went over the rayles into our lot: and I said goodman Heauen you had best have a care what you do: then he turned and came back over thee railles againe and went home to his owne house, I stood still to see what he would do: and I see him breake of a great Cudgell, and go at great pace up the lot: and I fearing he would do my father some mischeife followed him: and as I was following the said Heauen, I mett daniell Mathees: and I requested the said mathee to go long with me for I was afraid the said Heauen would knock my father in the head, and wee both ran together, till wee came neare to my father and the said Heauen: about the breadth of a row of Indian corne: my father being sowing turneup seed in his own lot: and the aforesaid Heauen said to my father thou rouge thou, why didst thou lame my hoggs, and I see the sd Heauen take my father fast by the beard and said thou rogue I could find in my heart to spill thy heart blood upon the ground thou rogue thou; my father answered the said Heauen there is wittnesse above that sees all; and they went out of the corne and the said Heauen had a great Cudgell in his hand and my father said the lord will avenge my wrongs one day: and the said Heauen said heark how he crys aloud to his god: and foomed at the mouth." Sworn in court.

Daniell Matthees, aged about seventeen years, deposed that "when I dwelt at lyn; the last summer about the time that pease began to be neare ripe: I being in the field gathering a Broome," etc. Sworn, Feb. 25, 1662, before Edward Rawson, † comr. This paper addressed on reverse: "These For M<sup>r</sup> Rob<sup>t</sup> Lord Clarke of Ipswich Court."

\*Writ: William Longly v. Thomas Newhall, jr.; battery, for striking his wife; dated Feb. 28, 1662; signed by Robert Lord, † for the court, and served by Allen Bread, † constable of Lyn, by attachment of the dwelling house of defendant.

John Longly deposed that John and Samuel Wilkinson went with their father's team to get the hay from Andover meadows, etc. Sworn in court.

Thomas Wheeler, aged about fifty-seven or fifty-eight years, deposed that he saw the wife of William Longley and her two daughters, Mary and Anna Longley, have hold of a long pick or pole at one end and Thomas Newhall, jr., of the other end and

†Autograph.

Joshua Bradley v. John Godfry. Non-performance of a bargain. Verdict for defendant.\*

Goodman Longley's orchard fence was between them, "and the women were to hard for the man in pulling in so much that the said newhall called his brother, John and they too together pulled the poole from the sd women, And then Thomas newhall strucke the || said || wife of William longley with the poole or long stick that they stroue about." Sworn, 27: 1 : 1663, before Wm. Hathorne.†

William Longlye's bill of charges, 2li. 10d.

Anna Longley, aged about sixteen years, deposed that after Newhall struck her mother, the latter's hand was black for several days, etc. Sworn, 27 : 1 : 1663, before Wm. Hathorne.†

Mary Longley, aged about nineteen years, deposed that Thomas Newhall was using the pole, with which he struck her mother, to run a line, etc. Sworn in court.

Elizabeth, wife of John Newhall, sr., and Mary Haven deposed that Thomas Newhall, jr., was desired to hold a pole to run a line between Will. Longley and John Newhall, and Thomas stood on the land of John Newhall. The two daughters of Longley came and threw stones at him and Anna took up a piece of a pole and struck said Newhall several blows with it. Then Longley's wife came with a broad axe in her hand and violently struck at said Newhall and had he not slipped aside, he would have been wounded, if not killed, etc. Sworn, 28: 1: 1663, before Wm. Hathorne.†

\*Writ, dated Mar. 23, 1662, signed by Robert Lord,† for the court, and served by Samuell Currier,† deputy constable of Rowly, by attachment of a yoke of oxen and twenty bushels of wheat of defendant's.

Daniell Bradley deposed that about the beginning of last winter, he went with Joshua Bradley to George Hadlye's house. John Godfry was there, and said Bradley asked Godfry to let him a yoke of oxen, and he let him for two years the yoke he had bought of George Hadlye, for forty shillings per year, to be delivered then or in the following spring. George Hadlye was to keep them until spring, and although he offered to give the same price, said Godfry agreed to let Joshua Bradley have them. Sworn, Mar. 28, 1663, before Daniel Denison.†

Samuell Currier testified the same. Sworn in court.

Edward Eymons of Haverell, aged forty years, deposed that he went with John Godfrey and Thomas Davisse to George Hadleyes house to buy a pair of oxen. Godfrey said that Hadley was in his debt about a bond of wheat and Godfrey offered him 14li. for his oxen and to abate it in the bond. Hadlye answered that

† Autograph.

Mr. Jonathan Wade v. Stephen Graffam. Debt. Verdict for plaintiff. Court ordered the attachment to be continued until a fortnight after Salem court.\*

George Hadly v. Robert Haseltine, Trespass. For felling several trees, etc. Verdict for plaintiff.†

he must have 16li. for them and Godfrey refused. Sworn, 3:2:1662, before Simon Brodstreet.‡

Daniell Ela deposed. Sworn, 3: 2: 1663, before Wm. Hathorne.‡  
Samuell Corrier deposed. Sworn in court.

\*Writ: Mr. Jonathan Wade v. Stephen Graffam; debt; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal, by attachment of a barrel of mackerel and a chest of seventeen pounds of money, of defendant, the summons being left at the house of his last abode in Ipswich.

John Clark, aged about twenty-two years, deposed that last August, he was at the house of Mr. Jonathan Wade with Steven Grafton and saw the said Grafton receive of Mr. Wade a barrel of liquors which was agreed between them to be 31 or 32 gallons at six shillings per gallon. Grafton agreed to pay for it in the Bay if he liked the goods and price. Sworn in court.

Robert Perse, aged fifty years, deposed that about the end of the year 1660 or the beginning of 1661, Steven Grafton acknowledged that he had received goods from Mr. Wade to the value of nine or ten pounds, and was to pay for them in freighting of fish at the Iles of Sholes. Deponent further testified that Mr. Wade demanded fish at the Iles of Sholes in June, 1661, but there was no fish delivered. Sworn in court.

Account against Steven Grafton on books of Mr. Jonathan Wade, amounting to 10li. 2s. 9d. Sworn in court by Mr. Jonathan Wade, and his son Nathaniell Wade swore to the delivery of 9li. 12s., before Robert Lord,‡ cleric.

Jonathan Wade's bill of cost, 1li. 18s.

†Writ: Georg Hadlye v. Robert Heseltine; trespass; for felling and carrying away several trees upon his land, and thereby claiming a title to about thirty acres of his land, namely, the land he bought of William Wild, which was laid out by Joseph Jewet of Rowley and Theophilus Shatswell of Haverill and which lies at the head of Robert Heseltine's land; dated Mar. 19, 1662; signed by Robert Lord,‡ for the court; and served by Samuell Corrier,‡ deputy constable of Rowley, by attachment of the house, house lot and orchard of defendant.

Copy of deed, dated Dec. 17, 1655, William Wild of Ipswich, for 140li., sold to George Hadley of Rowley all his accommodations granted him by the town of Rowley at Merimack river

‡ Autograph.

near Haverill, namely, his house, barn and fifteen acres of land, bounded by land of Robert Hasseltine on the east, the town pasture on the west; also twenty-eight acres lying at the end of the aforesaid land, bounded as aforesaid; also two hundred acres, bounded by the land of Robert Hasseltine on the east, Rowley common on the west, the land last mentioned on the north and Rowley common on the south; also one acre of meadow at the end of a hill called Long hill, having the meadow of Robert Hasseltine on the north, John Hasseltine on the south, and two acres and a half of meadow at the south end of Johnson's creek on the east about a quarter of a mile; also two acres of meadow at a place called Johnson's pond, bounded by Robert Hasseltine on the north; also five acres west, about half a mile, of a place called the four mile rock in the way from Haverill to Rowley; also nine acres and a half in a meadow about a mile and a half from the meadow last mentioned, having the meadow of Robert Hasseltine on the east and John Hasseltine on the west. Wit: Robert Lord and Mary Lord. Elizabeth, wife of William Wild, released her dower. Acknowledged, Dec. 18, 1655, before Daniel Denison.

George Hadlye's bill of cost, 3li.

Daniell Bradly deposed that George Hadlye desired him to go to Robert Haseltine's with him, and said Hadlye demanded upon what authority he had felled trees in his swamp. Haseltine answered that it was his own land. Hadlye demanded satisfaction for what had been felled and Haseltine refused, saying he would stand to the hazard of the law. Deponent had seen Haseltine fell trees there and further the latter told him that if he thought Hadlye did not sue, he would fell some more to quicken him up. Sworn, Mar. 28, 1663, before Daniel Denison.\*

John Pickard and Ezekiell Northend testified that when Robert Hasseltine, John Hasseltine and William Wild went to live over against Haverell, "our towne granted unto them an equall share of land || meadow || and commonage after they had lived a certain time ther they maid ther desire knowne unto the towne that they would willingly fence in ther commonage and therfor desired that they might have soe much laid out as the towne thought might be sufficient to keepe that number of cattell acording to ther grant from the towne which Accordingly the towne Tooke it in to consideration and granted that ther should be laid out unto those three men above mentioned sixe hundred Acres of land for ther commonage of these cattell that they were to keepe acording to ther grant from the towne which sixe hundred acres by the townes grant was to be equally devided unto the afforesaid Robert John and William." Sworn in court.

Thomas Dorman, jr., deposed that being at his uncle Hadley's the last spring, his uncle asked him to go with Theofilus Satshwell, Robert Haseltine, John Carleton and himself to run the line be-

\* Autograph.

tween his uncle Hadley's and Robert Haseltine. The latter took them to a tree and said it was the marked tree and Satshwell replied that it was not the tree that he and Mr. Jewett marked, and Hadley also would not own it. Finally they came to a tree marked H, which Satchwell declared to be the tree, about twenty rods off near a swamp, and deponent's uncle marked it. Then Satchwell told how they ran the line before and they marked several trees that had been marked before, until they came to a tree marked H in the highway from Rowley to Haverhill. Robert Haseltine would not run the line with them, but went away and bade them do what they would. Sworn in court.

Samuell Currier deposed that Hadley desired him to go with himself and Thomas Dorman to measure how far it was in Hadley's ground that Haseltine had felled trees, and they found that it was forty rods between the tree marked and the fallen timber. John Griffing also deposed. Sworn in court.

John Hazeltine, aged about forty years, deposed that about 1658, in order to have the line correct, Mr. Jewett went with George Hadley, Robert Hazeltine and deponent, and they agreed as to the line. Also the tract of land now in controversy, which ran on a straight line from his fence to the pasture fence, "which ranges as my fence goeth was then layed out to my brother Robert Hazeltine," and Hadley approved. Deponent further testified that he showed Corporall Gage and William White the very bounds of that tract that was laid out to them by the town of Rowley and also the inside bounds of the land which George Hadley claimed as his lot. Sworn in court.

Copies of depositions of Joseph Jewett and Robert Haseletine, taken from Ipswich court records of Mar. 29, 1659, made by Robert Lord,\* cleric.

Copies of deposition of John Millington, Theophilus Shatswell and Edward Yeomans taken from Ipswich court records of 26 : 1 : 1659, by Robert Lord,\* cleric.

Joane, wife of John Haselton, deposed that after the line had been run, Georg Hadley went into deponent's house and said that "this Jewett hath done itt bettor alone then when ther wer more of them to doe it." Sworn, 30 : 1 : 1663, before Simon Bradstreete.\*

David Haselton, aged about eighteen years, deposed that he showed the bounds of the pasture ground to John Gage and William White about a fortnight or ten days ago, etc. Sworn, 30 : 1 : 1663, before Simon Bradstreete.\*

William White, aged about fifty years, deposed that when he and Goodman Gage measured the tract of land in controversy there was found to be a great disproportion. George Hadley had seventy acres more than the other two. Also they found the bounds the same as when marked a number of years before. John

\* Autograph.

John Newhall for himself or as assignee of Thomas Laughton, Oliver Purchase and Capt. Tho. Marshall v. William Longly. For the forfeiture of a bond of arbitration of 10li. Verdict for plaintiff. Court moderated the bond, and all the line between them to be as the arbitrators set it, a straight line, the fence, and the apple trees to stand until about Michalmas next, and William Longly to have liberty to remove them.\*

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Carr testified to the substance of the foregoing. Sworn, 30 : 1 : 1663, before Simon Bradstreete.†

John Carleton deposed that when the line was run, Theofilus Satchwell said to him "upon this course your father Jewett and I run the line," etc. Sworn, Apr. 1, 1663, before Samuel Symonds.† Thomas Dorman deposed. Sworn in court.

\*Writ, dated Mar. 24, 1662-3, signed by John Fuller,† for the court, and served by John Tarbox,† the son of John Tarbox,† constable of Lynn, whom the latter made his deputy, by attachment of the lands of defendant, having left the summons at his house.

Tho. Laughton,† Tho. Marshall† and Oliver Purchis,† commissioners of Lyn for 1662, chosen as arbitrators by William Longley and John Newhall, sr., to settle the line of their home lots, agreed, 12 : 12 : 1662, that the line as it was run from the head to the foot, running straight to the mark from the short length at the foot to the end of the stone wall at the head or the tree standing there nearby, should be the bounds between them. Longley was to pay John Newhall sixteen shillings toward his charge. Sworn in court.

Bond of arbitration between William Longley† and John Newhall.† Wit : John Hathorne† and Thaddeus Riddan.† Sworn in court by the witnesses.

John Longley, aged about twenty-three years, deposed that being at the house of John Hawthorne at Lyn, he heard his father offer John Newhall, jr., to run the line as agreed by the arbitrators, because he was not willing to forfeit the bond. Deponent's father also asked Newhall when he would do it and received no reply, and so deponent, his father and William Dello went away. William Dello deposed the same. Sworn in court.

Thomas Newhall testified that he heard Will. Longly say that he was sent for to hear the arbitrators' agreement, but he could not come at another's warning. Sworn, 2 : 3 : 1663, before Wm. Hathorne.†

Robart Potter, aged about thirty-three years, deposed that he went with John Newhall, sr., to Goodman Langly's house. The latter was weaving, and when he saw who it was he came out of

† Autograph.

John Godfry v. Jonathan Singletary. For 8li. in wheat and Indian corn. Verdict for defendant. The court accepted this verdict provided he except in his general acquittance to save said Godfrey harmless from Edward Clerke about his bond of 8li.\*

his loom and put out the light. Newhall showed him the arbitration and offered to read it but said Langly replied that no writing should be read there for he was master of his own house. Newhall would have let him take the writing but he would not promise to give it back. This happened about a month since. Samuëll Gains testified to the same. Sworn, 28: 1: 1663, before Wm. Hathorne.†

John Newhall's bill of cost, 6li. 9s.

Rich. Haven and Thomas Newhall deposed that they heard John Newhall demand his land and charges of Will. Longly, as awarded by the arbitrators, and said Longly refused. Sworn, 2: 3: 1663, before Wm. Hathorne.†

\*Writ, dated 14: 12: 1662, signed by Hillyard Veren,† for the court, and served by Robert Lord,† marshal.

Record of the action, Edward Clark v. John Godfry, tried by the commissioners of Haverhill, June 10, 1662, for not coming to receive a parcel of wheat and Indian corn due upon bond, Mar. 1, last. Judgment for defendant. Copy made by Richard Littlehale,† cleric. "When this action came to be called, John Godfry desired halfe an houres time of y<sup>e</sup> Comissio<sup>rs</sup> to call Jonathan Singletary w<sup>ch</sup> was granted, & accordingly Jonathan Singletary did come to attend y<sup>e</sup> Case, as atteste Richard Littlehale,† Cleric. and henry palmer one of the commissioners."

Copy of deposition of Richard Singletary, sworn Nov. 22, 1662, before Simon Bradstreete, taken from Salem court records by Hillyard Veren, †cleric.

Abraham Whiticker deposed that some time last May, John Godfry said to him that he had given to Jonathan Singletary eight pounds which Edward Clark owed to said Godfry, but the latter said if he had it in his hands again, the said Singletary should never have it. Sworn, 30: 1: 1663, before Simon Bradstreete.†

Jonathan Singletary's bill of charges, writing his father's and mother's evidences, going to Andever, Salsbury and Salem, and for his father-in-law giving bond, etc., 3li. 9s. 2d.

Richard Singletary and Susanah, his wife, deposed, 20: 1: 1663, that they asked Thomas Davis about the evidence that he had given in at last Salem court, and if he could testify that Jonathan was to give Godfre security for that corn. Davis said that he could not testify that he gave security for the corn, etc. Sworn, 27: 1: 1663, before Simon Bradstreete.†

† Autograph.

Mr. Peter Duncan v. Thomas Verry. Debt. Verdict for plaintiff.  
The court did not accept this verdict.\*

Copy of deposition of Edward Youmans, sworn, 21:9:1662, before Simon Bradstreete, taken from Salem court records by Hillyard Veren,† clericus.

Copy of evidence in the action, John Godfry v. Jonathan Singletary, taken from Salem court records of 25:9:1662, made by Hillyard Veren,† cleric.

John Wooddum, Theophilus Wilson and Robert Lord, marshal, testified that when Jonathan Singletary and John Godfry were in said Wilson's house, Singletary was answering the said Godfry for the executions for which he was put into prison and agreed to end all, but Jonathan said, "if I answer for all it may be when I com to haverell the counstable will serve them." Godfry said he would give him an acquittance for them, so when the goods were delivered to John Godfry, Singletary put an attachment upon them in an action of review. Sworn in court.

Richard Singletary and Susanah, his wife, deposed, 20:1:1662-3, that John Godfre being occasionally at their house said, concerning the corn in controversy, that he thought he should never get it of Goodman Clarke for he would pay him in papers as he did the last year. Godfry said several times, "I had rather it were in a heape in y<sup>e</sup> streete & all y<sup>e</sup> towne hogges should eate it then he should keepe it in his hands." Sworn, 27:1:1663, before Simon Bradstreete.†

Copies of depositions of Susan Singletary and Susana Singletary, sworn, Nov. 22, 1662, before Simon Bradstreet, taken from Salem court records by Hilliard Veren,† cleric.

\*Writ, dated Mar. 23, 1662, signed by Edmund Clarke,† for the court, and served by Thomas Judging,† constable of Gloucester.

Peter Duncan's bill of cost, 1li.

Edouth Crafford deposed that she saw Thomas Harvy and Thomas Verry at Salem last January. Sworn in court.

Thomas Harvy, aged about twenty-seven years, deposed that he sold to Mr. Duncan his third part of the shallop in which he went to sea the last summer, with all the appurtenances, in consideration of a debt of 15li. that Thomas Verry owed Duncan, and gave him a bill of sale. Further, that said Duncan demanded of him the past March, the third part of the boat he sold him, and said Verrin had satisfied him. Sworn in court.

James Babson, aged thirty years, deposed that this last spring, Mr. Duncan sent for Tho. Verry to go to deponents' house and said Duncan demanded what said Verry owed him. Said Verry declared he would not deliver the boat nor pay him until Duncan had given an account of particulars. Mr. Duncan told him that it was all settled and he had his receipt, yet if Verry would pay him in twenty-four

† Autograph.



Mr. Joseph Hills and Mr. Richard Collicott, attorney to Mr. William Becke, Lionell Copley and others, the adventurers and co-partners in the Iron works of Linn and Brantry in New England,

hours, he would give the particulars and underwrite the account if there were any mistake. Mr. Duncan also told said Very that if he would get a note of Goodman Elwell to Mr. Browne of Salem to discharge him, it would satisfy him, and this Very promised to do if the wind and weather did not hinder, etc. Sworn, May 5, 1663, before Samuel Symonds.\*

Steven Glover deposed that he heard Mr. Duncan ask Thomas Harvy for the hire of the third part of his boat, and the latter said that when the voyage was ended, he should have pay for her, as is the custom of the country. Mr. Duncan asked for a note to receive the hire of Goodman Elwell, and Thomas Harvy answered "what need that, I am sufficient to pay the hire myself when the voyage is ended." Sworn in court.

Steven Glover, aged about thirty-eight years, deposed that he heard Mr. Duncan ask Thomas Harvy to set a time when he would bring the note from Mr. Browne of Salem, and he would not set a time, but said he would do it the next time he went to Salem. Sworn in court.

Tho. Harvy, deposed that he was a boarder at the house of Thomas Verve at Gloster, etc. Sworn in court.

Ossmund Dutch, aged about sixty years, deposed that Peter Duncan read the bill of sale at his house, "and he said is not this a bill of sale but I made him answere that there was twelve poynts in y<sup>e</sup> law and thomas harvie have aleuen of them; was this Boate ever delivered to you: and he made me answere that she was delivered before two suficient wittneses; then I made him answere y<sup>t</sup> it was sufficient; and he said I will have the boat, & I will have hire for her: for if y<sup>e</sup> boat had ben cast away I warant he would make me stand to her: then I said you may doe well to free John Clo—— from M<sup>r</sup> Curwine for he is a man sufficient to goe in your boat and he answared me y<sup>t</sup> he had b——a third of the boat and I answared him againe y<sup>t</sup> he was a man sufficient to goe in y<sup>e</sup> third of the boat and he said y<sup>t</sup> he would consider of it." Sworn, 4: 3: 1663, before Samuel Symonds.\*

Samuel Duch, aged about eighteen years, deposed that Mr. Petter Duncon came into his father's house, etc. Sworn, 4: 3: 1663, before Samuel Symonds.\*

Bill of sale, dated Sept. 29, 1662, given by Thomas (his mark) Harvie, † now resident in Gloucester, fisherman, to Peter Duncan of Gloucester, merchant, one-third part of the boat, etc. Wit: Thomas (his mark) Very and Steven Glover.\* Peter Duncan\* promised to release the boat to said Tho. Verie if he brought any

\* Autograph.

† Seal.

formerly known and called by the name of the Iron works of Mr. John Bex & Co. v. Capt. Thomas Savage. The action not proceeding, costs allowed.\*

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other security than the note of Mr. Browne's, etc. Wit: Tho' (his mark) Very and Steven Glover.\*

William Venson, aged about fifty-three years, deposed, 5:3:1663, that being at the house of Goodman Ellwell, who was master of the fishing voyage, Mr. Duncan said to Ellwell that he was to have the hire of Thomas Harvie's boat, for he had bought it and had a firm bill of sale for the third part of it, which was Thomas Dick's. Sworn in court.

William Seargant, aged about thirty-six years, deposed that there were fifteen pounds of money due to Mr. Duncan and Thomas Harvy promised to make over his third part, etc. Further that the bill of sale was drawn up by Mr. Duncan and he would have Thomas Harvy set his hand to it, but the latter did not because he said he was unacquainted with the form. Then Mr. Duncan told him they would have to go to court. Afterward deponent saw the bill of sale and Mr. Duncan told him that the boat was his now and asked him if the third part was worth as much as the bill stated. Deponent told him that he thought it was, and he seemed to be much taken with it, etc. Sworn in court.

\*Writ, dated Mar. 23, 1662-3, for pretence of a debt of 4,150li. for which Capt. Savage obtained judgment in Sept., 1653, thereby taking the estate of plaintiffs' to the value of 6,000li., and for withholding the same and extending the execution beyond the judgment obtained, etc., signed by Jonath Negus,† for the court, and served by Rich. Wayte,† marshal of Boston, by attachment of the dwelling house of defendant, together with the warehouse and ground and wharf near the drawbridge in Boston.

Judgment: That this cause could not proceed for want of sufficient power, though the plaintiff produced a letter of attorney signed by Mr. William Becke and five others, yet it did not appear to the court that the said six gentlemen were the major part of the owners of the iron works or owners of the greater part thereof; but on the other side it was alleged that Mr. John Bex, who had been a principal owner and manager of said works and at present it was proved that he was owner of seven shares of said works, with several others who were owners, had not signed the said letter of attorney, neither did it appear that the company of undertakers had impowered the said six gentlemen who signed the letter of attorney to act for them; also the attorneys, Mr. Hill and Mr. Cullicut, appeared at the first session of the court, but after the objection made by the defendant to the validity of their power, one of the attorneys did not appear at the second session nor did he send any message of consent to prosecute the action.

\* Autograph.

Mordecha Crafourd v. Thomas Jefourds. For non-performance of an agreement in trimming and repairing a barque. Verdict for defendant.\*

Copies of depositions of John Person and Mark Prime, taken 23: 4: 1656, before Samuell Simons.

Jno. Giffard deposed that he had not known of more than eight or nine of the company who had appeared in the action, and that he had often heard from the company and had seen the order which impowered five or three to be sufficient to act for the company in the management of their affairs. Sworn in court.

Capt. Tho. Savage's bill of charges, including services of Wm. Howard, Mr. Gefords, Mr. Reding and Capt. Hutchingson, 9li.11s.

\*Writ: Mordechaie Creford v. Thomas Jeffords, ship carpenter; for non-performance of an agreement in trimming and repairing a bark; dated 13: 1: 1662-3; signed by Hilliard Veren,† for the court; and served by Thomas Judging,† constable of Gloster.

Mordica (his mark) Crafford, of Salem, on 24: 4: 1654, gave letter of attorney to Edith Craford. Wit: Joseph Hardy† and Elias Stileman.†

Thomas Jeffords' bill of costs.

William Seargant, aged thirty-six years, and Antony Day, aged about thirty-seven years, deposed that being with Mordica Craford in the twelfth month, 1662, they heard said Craford say that there was no bargain with Thomas Jefford concerning work on the bark, and what he would have for doing it, he did not know. Day further testified that he heard Craford say "I have brought downe my barkque to the french man to doe and I will leve it w<sup>th</sup> him to doe as he se Cause to doe." Sworn in court.

Benonye Bushopp and Anthonye Daye, ship carpenters, deposed that they went to work upon said Cravit's vessel at Gloucester the past winter, said Bushopp told Thomas Jefford and his mate, who were to mend the vessel, that the larger part of that work which John Beckett and Bartholmew Gidney, ship carpenters, and appointed surveyors of the vessel, found to be defective and insufficient, was insufficient and unserviceable. Further said Day heard said Bushopp tell them so, and afterward the ship carpenter's mate said to Bushoff, "we gott you to helpe us & you make us more worke." Anthonye Daye and Alexander Willey further testified that Thomas Jefford demanded thirty pounds for the work. Sworn, 27: 1: 1663, before Wm. Hathorne.†

Jeffery Parsons, aged thirty-two years, and Anthony Day, aged about thirty-seven years, both of Gloster, deposed that being at Thomas Jeffords' place of abode, he heard Thomas Jefford ask Mordica if he were satisfied with the work, and the latter said that he was not, that the gunwales were not finished. Then Thomas

† Autograph.

Mr. Henry Greenland v. Henry Lessenby. Slander. Verdict for defendant.\*

asked him if there were anything else to do and said Mordica was silent. "then I Antony Day said to thomas the Carpenter the skiper is not satisfied with the Clamps then we these deponents heard the Carpenter speck to Mordica and said Skipar bringe the barque a shore and I will put the Clamps in and doe anithing elce that you will have done I will not stand with you for three or fouer days worke or a weakes worke you shall not goe away and say youer work is not dunn." Sworn in court.

Anthony Day further testified that the work that was deemed insufficient, that is, the clamps might have been done had the vessel been brought ashore, according to the carpenter, Thomas Jeford's order, but it lay in the harbor about six days after the order was given. Sworn in court.

Thomas Judkin, aged about thirty-two years, deposed that he heard Craford say that there was no bargain, but he had brought her down for him to trim and to do what needed to be done, etc. Sworn in court.

"Mordecay Crauet we: hoose names ar under writen being Required by warent suruay your barke which we have acordinly done we shall: Leauē: to the Judgment of the hon'ed Court w<sup>t</sup> we shal haue for our pains: your selfe: Informing the Court of the time spent therin It is to be understood y<sup>t</sup> our: deposition is given upon It 21 : 1 : 63.

"Ye mark of A anthonye day.

"John Beckett †

"Bartholmew Gedney." †

\*Writ: Mr. Henry Grenland v. Henry Leasenby, servant to Richard Dole; slander or defamation; for saying that Mr. Greenland and Mr. Cording were at Hampton together and that they offered five shillings to a man to help them to a couple of women, etc.; dated Mar. 9, 1662-3, signed by Anthony Somerby, † for the court; and served by Henrey Jaques, † constable of Newbry.

Hester Bond and Elizabeth Webster deposed as to hiring the men, etc. Sworn in court.

Richard Smith deposed that one time Dr. Cordwing, being at Hampton at his master Goodman Tuck's and Mr. Greenland being also present, it being near midnight or full bedtime, said Cordwing desired deponent to go and get Mary Wedgwood, saying she was the prettiest maid in town, and if she would not come to get Sary Tayler or Mary Wall, as he had a letter in his pocket for the latter. Sworn, 1 : 2 : 1663, before Simon Bradstreete. †

John Redman, John Barsham † and Morrice Hobs † deposed that it was a common report at Hampton that the two doctors, Cordin

† Autograph.

Henry Russell v. Edward Leathers. Debt. Withdrawn.

Mr. John Gifford, attorney to Mr. Rowland Searchfield of London v. Capt. Thomas Savage. Withdrawn.\*

Mr. Henry Greenland v. Joseph Mussye. Slander. Withdrawn.

Mr. Simon Bradstreet v. Isaack Coussen. Debt of 12li. due upon bill obligatory. Defaulted.

Mr. Simon Bradstreet v. Bray Willkins, Sam. Willkins and John Willkins. Trespass. For carrying away a parcel of hay. The jury found a special verdict. Court found for the plaintiff.†

and Grenland, offered the man five shillings, etc. Sworn in court.

John Radman‡ and Christopher Palmer‡ certified that they heard Richard Smith, Robertt Tuck's man, speak concerning being hired by the doctors, etc. Sworn in court.

Richard Dole deposed that it was a common report at Hampton and Newbery, etc. Sworn in court.

Elisha Elsley deposed that Henry Lesenby said he heard the two doctors proffered the ordinary man's man of Hampton five shillings, etc., and Goodwife Rofe told him he should have a care of what he said of Grinland for Grinland owed him "a splend." Mary Roffe testified the same. Sworn in court.

\*Tho. Savage's bill of costs, 1li. 11s.

†Richard Barker‡ and George Abbott, sr.,‡ testified in the action between Mr. Bradstreete and Bray Wilkinson, that they followed two tracks of a laden cart from Mr. Bradstreete's rick till they come into that way that said Wilkinson had gone with Rich. Barker's hay and saw where they had cut down wood and brush from Mr. Bradstreete's rick to go with it into that way. They followed the said tracts till they came to Goodman Wilkin-son's field and then left them in the cart way leading to his house and when they reached the house they looked purposely around but could find no tracks that had gone that spring beyond his house. They further testified that it could go no other way, there being no other house or farm on this side the river and no possible going over the river at that time without swimming cart and cattle. In the way from Mr. Bradstreete's rick we found hay scattered, and one load newly set by the stony brook which they judged and believed was Mr. Bradstreete's hay, and had no doubt that he who had Rich. Barker's hay also had Mr. Bradstreete's. Rich. Barker further testified that Bray Wilkinson came to him about a fortnight before he missed his hay, when his son and he were loading hay at his rick, and said Wilkinson said that he was in great want

† Autograph.

Robert Lord, sr. v. John Godfry. Debt. Verdict for plaintiff.

Mr. Simon Bradstreet v. Sarah, widow of John Andrews. For withholding possession of a farm her husband lately lived in, in

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of hay and knew not what shift to make. Wilkinson also said that the hay that Rich Barker left would be burned, but Barker replied that it would not be unless somebody played the knave with him and that he intended to take it away. Notwithstanding this, said Wilkinson took or caused to be taken away the hay without the knowledge or consent of said Barker and when charged with it would not own it. Since Mr. Corwyn gave deponent twenty shillings for it and would have given him five pounds because he had been so ill dealt with, etc. Sworn, 4:3:1663, before Simon Bradstreet,\* and on May 5, 1663, in Ipswich court.

Thomas Abott deposed that there was a parcel of hay about three loads, which he helped to get for Mr. Bradstreet at a meadow commonly called Beachin meadow, taken away to said Bradstreet's great damage both for want of the hay and the loss of cattle sustained thereby. Mr. Bradstreet was obliged to buy hay at a great rate and much time was lost in sending a team for the hay, not knowing that it was gone. The journey occasioned the loss of the work of two oxen for two months, by reason of their tiring for want of hay to refresh them when they came thither, it being about six miles to the place. Sworn in court.

John Longley, aged about twenty-three years, testified that he lived with Bray Wilkins and he heard Goodman Wilkins say that Mr. Georg Curwin of Salem had brought a load of hay for him, and that it was in Andeavor's meadows. Further that said Wilkins' two or three sons with John Gingill went for the hay and the first day they mired their cart and came home without any hay. They went again the next day and the two days following and brought home some hay which deponent saw at night when he came from work, etc. Sworn in court.

John Godfry deposed that coming from Salem with Bray Wilkins toward his house, there was some discourse about hiring something of deponent, and the latter told him that it was reported that said Wilkins had stolen Mr. Bradstreet's hay. Wilkins answered that he did not steal it but he took some of it, for it would have been burned or spoiled and it would be better for him to have it than have it spoiled. Sworn in court.

Special verdict: They found that in the year 1661, Mr. Bradstreet had two parcels of hay in the Beching meadow which were lost and the evidence showed scattering of hay to stong brook and two or three loads of hay like those lost were found at Goodman Wilkeson's house, etc. If the evidence be legal, they found for the plaintiff, if not, for the defendant.

\* Autograph.

which plaintiff had a right. Verdict for plaintiff. Sarah Andrews resigned possession in court, save her own interest.

John Sorlah had his license renewed for a year to keep an ordinary and to draw wine and strong water.

Joseph Allen and Mary Allen, appearing before Mr. Samuall Symonds, and declaring their willingness to live with Capt. William Gerish during the time of their indentures, the court allowed it.

Whereas administration was granted to Mary Balch on the estate of her late husband Jo. Balch, and the Salem court in the fourth month, 1662, divided the estate between said Mary Balch and Mary, the daughter of John Balch, deceased, and now said daughter being deceased, it was ordered that Benjamine Balch, after the end of seven years, should enjoy all the lands that belonged to said John Balch, 50 acres more or less, the said Mary to enjoy all the improved land, upland and meadow, during the term of seven years.

Capt. Paul White had his license renewed for a year to still strong waters and retail by the quart.

Stephen Swett's license was renewed for a year to keep an ordinary.

Mr. Moses Maverik had his license renewed for a year to sell strong waters.

Richard Longhorne was licensed to keep an ordinary for a year and draw wine and liquors by retail during the pleasure of the court.

Lieft. Samuall Brocklebanke was sworn clerk of the market.

James Davis was sworn clerk of the market for Gloster.

Peeter Nash acknowledged judgment of 4li. 5s. 9d. to Mr. Philip Nelson.

James George acknowledged judgment of 4li. 10s. to Moses Pengry.

Mr. John Emerson, William Hascall, James Stevens, Philip Stainewood and James Davis, all of Gloster, were made free.

Henry Greeleand was charged with several times soliciting Mary, wife of John Roffe, to adultery, especially on one night when he came into her own house to bed with her to her great affright. Said Greeleand desired to be tried by a jury, which request was granted, and they found him guilty. Court sentenced him to prison to remain until the next session of court and then to be whipped, unless he pay a fine of thirty pounds. Greeleand was

bound to good behavior. Capt. Walter Barfoote and George Gouldwire, sureties.\*

\*“Sr

“Mr. Greenland hauing his wife come over is desirous to withdraw his appeale, & yet is not willing to endanger the forfeiture of his bond especially his sureties, I told him if he did submit to the sentence of Ipswich court, and could procure the consent of the Judge of that court to withdraw his appeale I did suppose he might save the forfeiture of his bond he desired me to signify my opinion to yourselfe that so if you & M<sup>r</sup> Woodman are like minded, he may have that assurance that may direct him how to act, he will more fully impart his desires & reasons then is necessary for me to doe, hastily I rest

“Y<sup>rs</sup> “Daniel Denison.”†

“Ips: Aug. 26, 1663.

“I assent to what is above written

“August 26th, 1663

Samuel Symonds.”†

“I do likewise Asent to what is Above written, Auguste 27th 1663

“p Edward Woodman.”†

Letter addressed: “For the Honor<sup>d</sup> M<sup>r</sup> Samuel Symonds, these.”

Mary Rofe’s petition:

“I would desier the honord Court to here me a few words. I am a poor young woman and in an afflicted Condition. My husband not being with me: he Litl knowing the trubls I haue met with: being a verie Louing husband to me as anie young woman Can Expect and provided for me in his absenc that I might liue Cherfully as he thought and want for nothing therefor he went unto John Emeris house and got John Emeri and his wife to be willing to let ther daughter Elizabeth Webster to Com and liue with me and to lye with me untill he Cam whom again: but by the prouidenc of god this fel out to be hurtfull to me: she was to worke for hir self and diat hir selfe: and by this means I was occasioned to go often with hir to hir father Emeris house about his victualls and John Emerie promist to be || as || a father to me and a frend and Called me daughter and I him father: and I was often merily disposed as young persons use to be genrally but no unciuell Carig as goodman Emerie and his wife have both acknowledged.

“But so it fell out in the Intrim this M<sup>r</sup> grenland Com to live in John Emeris house: and this becam a snare to me and Cordin likewise frequenting grenlands Companie at that house: and I haue bin a salted by them and not only so: but grenland have Labored with manie of my naibours to possesse them that I am as

† Autograph.



guiltie as he and sais he can proue it. I hope it may apeer to the honored Court that not on of my naibors in all the toune nether neer nor further of Can say they saw anie uncivell Carridg or hurt by me in ther liues: and what witnesses he will bring I know not: what so Euer thay be this is my Comfortt that I Can say in the psents of god and before his peopl with a good Concienc that nether grenland nor Cordin nor anie other Man in the world . . . what Euer Aspercions haue bin Cast upon me it is the hand of god that is upon me and I desier to be willing to bere it and I hope It shall be a warning to me in what Companie I com in to henc forward."

mary (her mark) Rofe.

"My Charg for Bringen M<sup>r</sup> Greenland before the magstrat and for looken for him is tweleue shilens henry Jaques\* Constabl neubry."

Mary Rolfe and Elizabeth Webster deposed "that the first time that M<sup>r</sup> Grenland Came to our house John Emerie brought him and M<sup>r</sup> Cordin and goody Emerie Came with him and it was late in the night: and John Emerie Came before and asked whether the old man wer a bed and said he would bring the two docters thither: which he did: and about twelve oclock John Emery and his wife went away and left the two docters there: but before John Emerie went away Came Richard Doles boy henerie Lesenbe to our house and John Emerie Charged the boy he should not tell his master who was there.

"hauing Received severall abuses both my selfe and the maide that is with me, we did agree to be still together and to help on another: upon a time the maide had ocasion to go to hir father Emeris house about a pere of bodis shee desired me to go with hir: and when we Cam ther we hering goody Emerie and hir daughter was in the Chamber, we went up and ther was John Emery likwis and though unknown to us this m<sup>r</sup> Grenland was in the bed sick as they said: at last thay went down all but goodman Emery and I: and I thought to speke to m<sup>r</sup> Greenland about the abuse he ofred to me: before goodman Emerie he formerly pretending to be a friend to me I tooke this oportunitie I siting upon the Chest: but before I Could speke, m<sup>r</sup> grenland Called me to speke with him, I bid him speke but he said I should Com neerer to speke in privat: but I said here is non but goodman Emerie but he Ernestly desired me to Com neerer, so I came and he Caught me by the apron and broke my apron strings and I gaue way to saue my apron and he Caught me by the arme and pulled me . . . then I said sir I wonder you ar so unciuell . . . then I Called to goodman Emerie and asked him if it wer not an unciuell part: then M<sup>r</sup> Grenland said if his landlord would say it is an unciuell part he would let me go: but goodman Emerie made no answer but Laught nether would he help me . . . though I spoke to him: but with striving I got from him and went downe out of the Chamber: after

\*Autograph.

this M<sup>r</sup> grenland Came down: and John Emerie Invited us to supper and when M<sup>r</sup> Grenland and we wer sett down to supper and while John Emerie was Craving a blesing and before John Emerie had half don M<sup>r</sup> grenland put on his hatt and spread his napkin and stored the sampe and saide Com Landlord light supper short grace.

“After supper ther was a great del of Rude and unciuill discors m<sup>r</sup> grenland speking that if hes wife should dy he would not marrie . . . he had a pretee young wife . . . This besid a greet del of such lik discour ther being John Emeris young son and daughter and his wifs daughter and William Neffe and divers others.”

Will. Neafe deposed that being at John Emery's that night, which was five nights after Goodwife Rolfe accused Mr. Grinland, she and Elizabeth went up into the chamber. After they had been there awhile, Jo. Emery came down and after him Goodwife Bond, Goodwife Emery and Elizabeth, and a good space after came Goodwife Rofe and Mr. Grinland. At supper she was so loving that she and Mr. Grinland ate out of one dish and with one spoon. Sworn in court.

“Greenland when he Cam to John Emery's house got a vesel of strong licker and often was merie and urged me to drinke and tould me if I would not drinke it he would poure it in . . . and on tim did: and urged me often.

“on tim John Emris wife sonn nathan webster Cam for me and bought a horse for me I asked the boy what to do I not being willing to go: the boy said he did not know unless it wer to drinke strong licers betie was ther and had it but I did not go.”

Barbri Elsly deposed that she heard Goody Emeri say that her daughter Elen did belie her own father and that she could not trust her about anything. Wiliam Ilsly,\* aged about sixteen years, testified the same. Sworn in court.

Peeteer Cheney deposed that being accidentally at Goodwife Rolfe's, she persuaded him to go with her to talk to Goodman Emory, for she said her mother knew about Mr. Greenland. When she went in she said “father emorey: if you doe not stand my freend I am quite ondun: goodman Emory replied: if you haue dunn so I Cann not helpe it,” and she persuaded Goodman Emorey to see her mother, etc. Sworn in court.

Henri (his mark) Lesenby, aged about eighteen years, deposed that the beginning of last January, he came by the house of John Rolfe about eleven or twelve o'clock at night and heard a shriek so he went straight into the house. He asked Goody Rolfe what was the matter and she said nothing, but he went to the bedside because he thought there was somebody there. “I saw the hed of a man and felt him and I did know it was M<sup>r</sup>. Greenland so the woman and I went out adore to Consider what was best to be don so we thought becas he was a stranger and a great man it was not

\* Autograph.

best to make an up Rore but to let him go away in a priuat maner and first to speke of it to som friends and further s<sup>d</sup> there was a light in the roome & I knew him by his face & saw his clothes lye upon a box by the bedsyde." Sworn in court.

Mary Emery, sr., Hester Bond and Elizabeth Webster testified that they were together at Goodman Emerye's house and Goody Roaf and Elizabeth Webster wagered a quart of sack to be drunk among them. Elizabeth lost and Goody Rolfe would have it drunk at her house the next night. Sack was not to be had, and a quart of liquor was procured instead, so they went down to Goody Rof's to drink the liquor being burnt with water they drank part of it. Then Mary Roafe said she would save part of it until Mr. Greenland came home for she said he seemed to be a pretty man and she desired to be acquainted with him.

James Ordway deposed that he heard Jo. Emery and his wife exhort Goodwife Rofe not to carry herself so lovingly and fondly toward Mr. Grinland. John Emery owned it in court.

Mary, wife of Jo. Emery, also deposed.

Sara Knight,\* aged sixteen years, deposed that being at Goodman Emeris to grind some corn to make some samp, Goody Emerie said that Goody Rofe was a lying woman and if she had not ex-claimed against her husband, nobody would have said anything against her. Sworn in court.

Rebecca Bishop deposed, Mar. 30, 1663, that about Jan. 14, last, "my daughter Sarah told mee shee being at meeting shee saw her sister Mary Rolf sadd & mallecholly her eyes swoln with crying, sighed. Shee asked her what was the matter? Shee wept & saide, shee was so troubled & haunted with Greenland that shee could not tell what to doe. The next day at night Greenland came to my house, (wherfore, I know not) I knowing nothing did kindly entertaine him & haveing a little before Received some kindnes from him I invited him to supper; After supper hee told stories & drank liker till near midnight, & then went away. My daughter Sarah desired mee to let her goe to her sister Mary y<sup>t</sup> night, I asked her why shee would goe? Shee saide, I am afraide this man will goe thither to night for shee have been much troubled with him: I told her shee should not goe, But I would Goe my self to morrow, which I did. When I came neer the house I mett her boy with a glass, hee told mee hee was going for licker for the doctour I asked where the doctor was, hee saide hee was within. When I came in, my daughter & both looked sadly. The maids Mother sent for her, & the old man my daughters uncle went forth, I staid neer two houres & Greenland did not goe away: I had no Oppertunity to speak with my Daughter till at length I calld her forth & saide; what is the Reason this man come hither? She saide I know not I would he came Less. I told her I heard things were not well; Shee seemed to feare to tell mee all, But saide, hee

\* Autograph.

had often with many Arguments inticed her to the act of uncleanes but god had hitherto helped her to resist him & hoped still hee would. She had told him one word is as good as a thousand, The Sinn was odious to her and shee would never be unfaithfull to her husband. I said; will you venture to lay under these temptations & concealed wickednes, you may Provoak God to Leave you & then you will come under Great Blame. Shee answered Mother I know not what to doe; Hee is in Creditt in the Towne some take him to be godly & say hee hath grace in his face, he have an honest looke, he have such a carriage that he deceiue many: It is saide hee is in Creditt with those that are in Authority in the Country: It is saide the Gouverner sent him a letter Counting it a mercy such an Instrument was in the Country, and what shall such a pore young woman as I doe in such a case, my husband beeing not at home. Betty & I have promised to bee faithfull to each other & to help one another.

“I asked her if shee had told her uncle that so hee might bee within. Shee saide if I should tell my uncle it would bee publique I have spoken to him to bee within and will speake more to him with this I was something aunswered at present & went away. A little while after I came againe & Greenland was gone, And then my Daughter & the maide told mee all. I beeing much troubled saide; These things are not to bee kept private, wee may Justly Prouoake God, y<sup>t</sup> further mischeife may follow & then wee shall come under Great Blame: Beside the trouble that will bee to my conscience as long as I live. Shee saide, Mother, I have told you, & Goodman Emery, and hee have promised to bee a father to mee, & hee saith it is best to keep it private seeing there is no harm done, & that hee will looke to him, watch him, & lock him upp at night. I went home much troubled, And knowing Greenland knew it was Revealed I was afraide hee would have done some mischiefe that night. The same night I sent a young man & my daughter Sarah & bade her tell her sister y<sup>t</sup> these things were not [to] bee kept private, y<sup>t</sup> Goodman Emery beeing grand Jury-man must present them. In the morning my Daughter Sarah came home and told mee, that Goodman Emery & his wife desired y<sup>t</sup> I would pass it by this time & they would warrant no more harm should bee done, & if there were they would send mee word, & that their owne Childe was in as great danger. I saide can G: Emery pass it by. Shee told mee G: Emery was coming to satisfy mee about it.

“I Going to my Daughters mett G: Emery, & wee fell into discourse about it, Hee Advised to keep it Close & warranted there should bee no more harm done. I asked him how hee could satisfy mee soe? Hee told mee hee would lock him up at night, & lock the lickers from him, that hee should not bee drunk. I saide if hee had been drunk hee would have kept his bedd. Hee told mee thet hee was halfe drunk & then he was worse then dead drunk. I told him hee might come upon them & spoile them both.

Hee answered, That was true, I then asked Goodman Emery how hee could dispence with his oath beeing Grandjuryman. He answered, That I cann doe very well, I see no harm in none of them. This discourse was as we were going toward G: Emery's house. Hee desired mee not to speak with Greenland, I told him I did not intend it. When wee came to his house, meeting with Goody Emery, Shee & I fell into discourse about the buisynes. When Shee understood it Shee seemed to bee much troubled, & wished hee had never come to her house, & if they were paide for what hee had shee would hee were gone shee & I went to our daughters & examined them & found the matter more gross than at first. more over Goody Emery told mee that hee saide if Betty . . . shee might lay it to the hatter: I told Goody Emery I dare not keepsuch things as these private upon my owne head, Shee wished mee to doe wisely. I desyring God to direct mee, That night I Revealed all to a wise man in y<sup>e</sup> Towne desyring his Advice, who did set mee in a way to bring it where now it is." Sworn in court.

Hana (her mark) Noic, aged about twenty years, deposed that Goody Emerie said that she never saw any evil carriage between Mr. Grenland and Goody Roff. Further that Mr. Grenland was a traveler and a stranger and one who was very politic and no fool, and that she loved the woman as her own child and would not do her harm for her hand, etc. She further deposed that Goody Emerie accused her daughter, Betie Webster, of taking a false oath before the magistrate and Betie answered that she had said nothing but what she would stand to. Then her mother told her she lied and had taken her oath to a paper that she had heard read but once. "Betie said I never said so: nor never took oth to Nothing but the truth and that I will stand to the death." Deponent's mother and herself being together at Goody Rof's, they saw the maid Bete Webster much troubled and crying. "My mother asked her why she was troubled she Answered my mother is such a trouble to me I cannot Eate nor sleep My mother ansur was if you have spoken nothing but the truth what need you be troubled." Mary Noyes\* also testified to the same. Sworn in court.

Barbri (her mark) Elslly, aged about fifty years, deposed that being at the new town where Betie Webster was, she asked her if it were true that the doctor was in Goody Roff's house, and she said it was. Deponent said, "O Lasse why did you let him in at dore: she answered that he did so Fumbel at the dore she thought he would have broke it open: but she said would we had Lett him haue broke it open for then it is said he would have bin hanged: I said I wished thay had not let him in thoug: she said that he desired but to light a pipe of tobaco and vowed he would not touch them so she said she let him in: I said did not you nor goody Roffe

\* Autograph.

Richard Cordin was complained of for attempting, on Dec. 9, 1662, to assault Mary, wife of John Roffe in the stable or cowhouse of her mother Bishop. He desired to be tried by a jury and was found guilty. Court sentenced him to prison to remain until the next session of court and then to be whipped, unless he paid a fine of twenty pounds.‡

se him put of his Clothes before he Cam in to bed: she answered no for she was unrecking the fier fore she said she had newly Raked it up and thought M<sup>r</sup> Grenland had stood behind hir: and she said goody Roffe was a bed feeding her child with her bac towards the fier . . . betie said goody Rofe was so afrighted that she fell into a grevios fitt: then beti said sir what haue you don you have put the woman in to a fitt that she fered whether she would be well to night: and she said he made answer the Devell had such fitts or sent such fitts and it was nothing but a mad fitt. then I asked betie whether he did not give her som Comfortabl thing in hir fitt: and she said no no kind of thing but Railed at hir: betee said when Goody Rofe was Recovred then goody Rofe said sir who haue giuen the ofenc or what ofenc haue I given that you should speke such words: then betie tould me that as soon as he se she Could speke he went in to bed again: then I asked why goody Rofe did not Crie out: Crie out said betie she did Cri out and said lord help me what shall I do he will . . . and she said upon the out Crie or hering the out Crie he Cam in and then I hope her up: morour I said to betie dost thinke she . . . well then said I I am perswaded goody Rofe is an honest woman and so am I said betie," etc. Sworn in court.

‡The complaint against Richard Cording was made by some of the selectmen of Newbery.

Mary Rolfe and Sarah Sculler testified that about Dec. 9, 1662, Goody Bushop being sick, Mr. Cordin was sent for. Her daughter Marie Roffe was there to attend her: "and then falling in to a fitt as manie times she doth Ether by suden Joy or suden fer M<sup>r</sup> Cordin then acted veri Louingly for hir help: afterward he gaue hir mother a dram of phisick and bid hir sleep but she being in Extremiti Could not sleep then he went to supper and neer two houers after she Could not sleep: then he gaue hir som thing on the point of a knife and said now she will sleep untill the morning: then he desired Marie to show him wher hir horse was: she Answered hir horse was well for he was lookt to all Redy and fed well: he staid a litl while," etc. She went out with him, fearing to cross him, lest he harm her mother, and telling her sister that she would cry out if she were in any danger. In the stable he struck the candle out of her hand and she ran in front of the cows. He charged her to have a care for the cows, and she said she would

William Buckley was fined for breach of the peace, upon complaint of John Newman, for striking him in his own house and threatening him so that he was in fear of his life.

An inventory<sup>s</sup> was presented to court, Mar. 25, 1662, of the estate of John Goyte, amounting to 34li. 6s. Court found that there were six pounds put into the inventory in land that was not his estate, so the inventory should be 28li. 6s.

John Godfry was allowed costs, having been attached by John Singletary in an action of review, and no action entered.

Thomas Jeffords, being attached by Mordecha Craford in an action of debt, and no action entered, was allowed costs. And in another action of unjust molestation and no action entered, costs allowed.

John Emery, Elizabeth Emery and Jonathan Singletary were publicly enjoined to appear at the next session.

Whereas the county was indebted to several men who were urgent for their pay and the ordinaries unpaid, the law also providing that the marshals levy the fines by such a time or else pay them out of their own estates, and there being many fines for which the marshal of Salem had had warrant from the treasurer to levy amounting to a great sum, and the court of Salem also having

as soon be gored by the cows as to be defiled by such a rogue as he, etc. She cried out to Sara, and she sent out the negro, and Cordin threatened her if she told of it. Sworn before Daniel Denison.\*

William Neaff and Elizabeth Webster deposed that they heard Goodman Roaffe's wife say in their house that "M<sup>r</sup> Cording was as pretty a Carriadg man as Euer shee saw in hir life," and at another time "that M<sup>r</sup> Cordin had given out som words to M<sup>r</sup> Greenland aboute hir miscariadg and further she said if M<sup>r</sup> Cordin had hold his tonge she would not have Charged anithing uppon him." Sworn, 1:2:1663, before Wm. Hathorne.\*

John Knight, sr.,\* deposed that this last summer, he was at his son's house in the evening, and Goodwife Rofe and Mr. Cording came in about an hour and a half after sunset. Sworn before Daniel Denison.\*

§Inventory of John Coite: Three cowes, 12li.; 6 swine, 3li.; one Cowe, 5li.; to bedsteds, 10s.; one stere, 5li.; one Chest, 5s.; one sute of Carsie, 1li. 15s.; one chest, 8s.; upland and marsh, 6li.; to hundred of bords, 8s.; total, 34li. 6s.

\* Autograph.

given notice to said marshal to discharge his trust, this court ordered the said marshal, Samuell Archard, to appear at the next Ipswich court to give account at his peril, and in the meantime to gather the fines and make return.

Allowed the keeper 3li. for his salary.

Ordered that the treasurer pay to Mr. John Apleton and Thomas Bishop for defraying the workmen employed about the bridge, according to the account they have delivered to him, out of the county rate, 56li. 8s. 4d. and the other 18li., as it shall come to hand out of other fines.

Mr. Edward Woodman was sworn commissioner of this court, and also to end small causes at Newbury.

Richard Corddin, upon petition to this court, was released from imprisonment provided he give security to depart this jurisdiction within one week. Mr. Samuell Symonds and Major Genll. Denison were ordered to take security.

Capt. Thomas Marshall, Mr. Oliver Purchase and Sergt. John Porter were appointed a committee to set off to Sarah, relict of Corpll. John Andrews, deceased, her third part of her late husband's farm, not meddling with the forty acres purchased of Mr. Price.

#### COURT HELD AT SALISBURY, 14:2:1663.

Grand jury: Rob. Page, Ant. Stanian, foreman, Tho. Ward, Jno. Clifford, Morris Hobbs, Ed. French, Jno. Hoyt, John Weed, Jno. Gill, Willi. Buswell, James Davis, sr., Rich. Singletary and Tho. King.

Jury of trials: Abraham Pirkins, foreman, Wm. Fullar, Robert Tuck, Nathanel Wyer, Joseph Fletcher, Robert Ring, Edward Gov, Andrew Greely, Tho. Barnett, Tho. Davis, Robert Swan, Jno. Robison, Richard Bray, Jno. Samborne, Jno. Redman, Jno. Carleton, Dan. Lad and James Davis, jr.

Jno. Godfrey v. Ed. Clark. Appeal from the judgment of the commissioners of Haverhill, wherein said Clark was attorney, for Whittiker, the plaintiff in the case. Verdict for defendant, the confirmation of the judgment of the Haverhill commissioners. Appealed to Court of Assistants.

John Godfrey v. Ed. Clark. Appeal from the judgment of the co mmissioners of Haverhill in an action in which said Clarke was plaintiff, about summoning him to Salem court and not prose-



cuting. Verdict for defendant, the confirmation of the judgment of the Haverhill commissioners. The bench did not concur with the jury, and it was referred to the Court of Assistants according to law.

John Godfrey v. Ed. Clarke. Appeal from the judgment of the commissioners of Haverhill in an action in which said Clarke was plaintiff, concerning serving three executions and taking full pay twice. Verdict for defendant, confirmation of the judgment of the commissioners of Haverhill. Appealed to the next Court of Assistants.

Abraha. Pirkins v. Sam. Dalton, in behalf of the county of Norfolk. For traversing a presentment in which he was fined at Hampton court, 1659, and not with legal witness but a witness recorded that is no witness to the crime laid against him. Court remitted the entry of the action.

Thomas Davis v. Jno. Hutchins. For several disbursements, labor and payments about the saw mill at Haverhill that now stands on Little river above Steven Kent's, which disbursements said Hutchins engaged to satisfy, of which mill said Davis held a third part. Withdrawn.

Robert Clement v. Rob. Swan. Debt of eighteen pounds due for a horse about seven years past last Michaelmas. Verdict for plaintiff.

Jno. Hutchins v. Tho. Davis. For disbursements about the saw mill. Withdrawn.

Tho. Davis of Haverhill acknowledged judgment to Capt. Brian Pendleton and Mr. John Payne of Boston, merchants.

Tho. Bradbury v. George Goldwyer. Trespass. For mowing part of his "higlede piglede" lot toward Hampton and for carrying away the hay from it, and going about to alter the title of his land. Verdict for defendant.

Joseph Davis v. John Godfrey. For non-performance of a bargain in not delivering plaintiff forty bushels of wheat either at Haverhill or at Nubery, sold him about two years past. Verdict for plaintiff. Appealed to next Court of Assistants.

Joseph Davis v. Peter Edg. For ear-marking a horse colt, which came of a mare which he bought of Jno. Billings. Nonsuited, the cause not arising in this court's jurisdiction.

Joseph Davis v. Natt. Masterson. For defendant and Wiggins, his deputy, levying an assigned execution upon plaintiff's goods,

and not returning said execution according to law. Nonsuited, the cause not arising in this court's jurisdiction.\*

Jos. Davis v. Peter Edg. For unjustly molesting him in Jno. Billings' name, in bringing a hue and cry concerning a mare, which said Davis bought of Jno. Billings. Verdict for defendant.

Capt. White v. Will. Deale. For non-payment of nine pounds, due upon his book for goods. Verdict for plaintiff.

Capt. White v. Joseph Norton. Debt. For goods delivered to him. Half the entry of this action was remitted.

Walter Tayler v. Capt. Walter Barefoot and Robert Tuck. Debt. For forfeiture of a bond of appeal, according to judgment of the Court of Assistants held at Boston, Mar. 3, 1662. Special verdict. If Capt. Barefoot's letter of attorney was legal, and owned by Christopher Palmer at Boston, they found for the defendant, if not legal, they found for the plaintiff. The bench found for the plaintiff.

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\*John Crocket and John Jemson deposed that in the year 1659 Richard Whitt recovered a judgment at the court held at Yeorke against Joseph Daves and accordingly taking an execution to the value of twenty pounds. Said Whitt assigned his right to Capt. Walter Barfoott and this execution was levied upon Joseph Daves' goods according to the assignment in the said Barfootts' name, otherwise the aforesaid Daves had attached his goods as soon as the officer had levied upon them for the securing of money which said Whitt owed to the said Daves upon account. Further the deponents were present and heard the assignment of the execution read and because there were not goods enough to satisfy the execution, the marshal's deputy levied upon the said Daves' body and kept him prisoner two nights and almost two days until the goods were bought. The goods the execution was levied upon were fourteen sheep, appraised at five pounds, but deponents considered them worth twenty shillings each, they being large sheep, mackerel and thirteen hundred white oak hogshead staves. One Weggens, Whitt's son-in-law, was the marshal's deputy, and said Daves was constable, Whitt being under several arrests. Daves desired Nathaniil Masterson, marshal of Yourk, to return the execution or to let said Daves have a copy of it and the assignment under his hand, and said marshal said the execution was lost, therefore he could not do it. Afterwards said Daves asked of the clerk of the court of Yourk for the execution, and the clerk answered that it was never returned. Sworn, 14: 2: 1663, before Simon Bradstreet.†

† Autograph.

The Worshipfull Mr. Symond Bradstreet, Tho. Clark and partners v. Jno. Gillman and Jno. Fulsham, sr. Trespass. For taking away eighty or ninety thousand boards and planks of said plaintiff at the water side and from their mill. Withdrawn.

Tho. Davis v. Jno. Hutchins. Debt. For beef, butter, cheese and labor which said Hutchins had of said plaintiff.

Rob. Ring v. Town of Salisbury. For refusing or neglecting to deliver to him or his agent his proportion of salt marsh in the first division of "higledee pigledee" lots, belonging to himself and his right of freehold purchased of Jno. Fuller. Verdict for the plaintiff. To pay a fine or make good his equal proportion of salt marsh for the right of his two lots, within two months. Appealed. Jno. Severans bound to prosecute.\*

Edward Yeomans was ordered to have a legal admonition for his non-appearance at Hampton court, having been summoned upon a presentment.

Robert Swan v. Tho. Davis. For not performing a bargain which he made with plaintiff for half of said Davis' third division of upland which he promised to do.

Ed. Goe v. Town of Salisbury. For refusing to make good a commonage due to him, which he bought of Josiah Cobham, having claimed it at a town meeting and they by a vote denying it to him, as the said Cobham had no right to it. Nonsuited.

Jno. Hoyt of Salisbury and Rob. Drake of Hampton took the freeman's oath.

Moses Worcester chose Richard Wells as his guardian and the court approved. The court also desired said Goodman Wells to take care of Timothie Woster's estate, his land, meadow and housing.

This court ordered that William Keniston, son of Jno. Keninston, the apprentice of Walter Abbitt, shall continue with his said master according to his indenture, which was consented to and

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\*Copy of the town records of Salisbury, Feb. 26, 1663: Voted to refer to indifferent men to judge whether they have tendered satisfaction to Robert Ring according to the agreement of the town's attorney with said Ring concerning the appeal, and they made choice of Mr. Sewall of Nubery to join \_\_\_\_\_ elwrite as judges, and Mr. Jno. Severans as attorney to prosecute in behalf of the town. Copy made by Tho. Bradbury.†

† Autograph.

approved of by the worshipful Capt. Tho. Wiggin and Major Eliezar Lusher at Portsmouth court the last June.

Capt. Robert Pike entered his dissent.

Joseph Davis, presented for buying raw hides, was admonished.

Mr. Tho. Bradbury, Rich. Wells and Jno. Severans took the three men's oath.

Court ordered that the Worshipfull Major Elieazar Lusher take Mrs. Worcester's oath to the inventory of Mr. Worcester's estate presented by her as executrix.

Jno. Severans was licensed to keep the ordinary for the town of Salisbury and to sell wine and strong waters by retail.

James Davis took the three men's oath.

Court desired Mr. Carlton, Mr. Dalton and Mr. Jno. Gilman to audit the accounts between Tho. Davis and Jno. Hutchins and make return to the court.

Old Willi. Marston, being presented by the grand jury at Hampton court for absenting himself from the ordinances on the Lord's days, and the presentment proved, was fined for six Sabbath days' absence. Eliakim Wardall and his wife for twenty days' absence and Jno. Hussey and his wife for twenty days' absence, were fined, one half the number of Sabbaths being abated.

The assignment of Jno. Jonson by Ben. Musey of Rumly Marsh to Moses Gillman of Exiter, and the assignment of Moses Gillman to Robert Jones of Exiter was allowed according to indenture.

The town of Exiter, presented by the grand jury at the last Hampton court and the presentment found, was fined in case the stocks and pound were not made sufficient according to law, within one month, and the way to the bridge repaired or mended.

Hugh Sharratt was allowed to keep the ordinary for the town of Haverhill and to sell wine and strong water at retail.

Thomas Jonson was ordered to have a legal admonition.

Ordered with consent of Salisbury and Hampton, that Mr. Samuel Dudley, Mr. Ed. Woodman and Mr. Jno. Carleton be a committee to end the difference between the said towns concerning their line from Hampton river's mouth to Mr. Batcheller's marked tree, according to the orders of the last committee concerning the same. They were to return their report to the next court at Hampton.

Ordered, with consent of the executor, Tho. Webster, of the will of old Cole,\* late of Hampton, deceased, that after all the debts were paid, the said executor should have one half of the estate. The other half was to be given to the widow, and left with the prudential men of Hampton to be improved for her necessary livelihood, who were to account to the Norfolk County court.

Mr. Colcord's fine of five pounds was respitted until the next Hampton court.

William Deale and Mary, his wife, being presented by the grand jury for committing fornication and confessing, were ordered to be whipped, he ten stripes, and she five, to be executed in the afternoon or to pay a fine.

\*Will of Wm. Coule of Hampton, proved by Samll. Dalton and Wm. Godfrey: "I william Coule being very aged & now taken very sicke & not like long to continew in this world & yet by gods mercy Reteining my pfect sence & understanding do declare it to bee my last will as followeth. viz: y<sup>t</sup> unice coule my wyfe shall have || all || her Clothes w<sup>ch</sup> shee left w<sup>th</sup> mee both her woollen clothes & her linnen & her small linnen y<sup>t</sup> is to say, Hand kerchers neckclothes & head linnen y<sup>t</sup> is made for her & for my howsing & lands y<sup>t</sup> is free & not engaged: I do give & bequeath y<sup>e</sup> same unto Tho: Webster of Hampton upon good considerations & my Cattle & household stuff & tooles & w<sup>t</sup> ever els remaynes free after engagem<sup>ts</sup> discharged all to remayne unto y<sup>e</sup> sole & pper use of y<sup>e</sup> s<sup>d</sup> Tho. Webster his heires & assignes for euer upon Condicion of || his || keeping of mee comfortably duering y<sup>e</sup> time of my naturall life & I doe appoint my loueing freinds deacon : Willi: Godfrey & Tho: Webster to bee my lawfull Executo<sup>rs</sup> to this my last will & Testam<sup>t</sup> y<sup>e</sup> which I confirme w<sup>th</sup> my hand & seale, y<sup>e</sup> twenty sixt of May one thousand six hundered & sixty two:" William (his mark) Coule. Wit: Willi. (his mark) Godfrey and Samll. Dalton. Copy made by Tho. Bradbury, † rec.

Inventory of the estate of Will. Coule, sworn to by Tho. Webster, executor: His house lott of five acres & ye housen upon itt, 20li.; one acre of fresh meadow, 3li.; his two cows, 10li.; a two yere heifer, 2li.; one sowe shote, 14s.; a feather bead, boulder, pilloes & Rugg, 5li.; a bag of tow, a bundle of yarne & a pcell of peild hemepe, 1li. 10s.; 1 box & 2 barrills, 8s., 1 payer of Cobyrons, 5s., a wheele, 18d., 14s. 6d.; 2 old kettles & 2 frying pannels, 1 old latten pan, 2 forkes, 18s. 6d.; 1 salt box & salt, 2s., old breeches & 4 bages, an old wascoat, 14s., 16s.; a meale trough, 2s., 1 sive, a bole & tray, 2 payles & other wooden ware, 1 skillet, 17s.; 1 old churne & an old cheese press, 3 chayers & 1 stoole, 10s.; 2 yron potts, 2 old

† Autograph,

In Benjamin's presentment committed to the Jurie, they do not find the indictment.

Upon complaint of the town of Haverhill v. Peter Nash, for refusing to depart the town, being legally warned, court ordered that said Nash be conveyed by the constable of Haverhill to the town of Rowley as the place of his last abode, and the recorder issue a warrant from this court accordingly.

Sarah Partridg chose Capt. Robert Pike as her guardian and the court confirmed it.

Ordered that Capt. Robert Pike demand of Anthony Stanian and his wife, administratrix to Will. Peaslee, the amount which Will. Partridg received in old England as the legacies given to the children of said Partridg. This was to be delivered at the next county court at Hampton, according to said Partridg's bond.

Ordered that Capt. Rob. Pike, Lt. Phillip Challis and Mr. Tho. Bradbury be empowered to divide the estate of Joseph Peasley, according to his will, all his debts being first paid and to make return thereof to the next Hampton court.

Ordered that the Worshipful Capt. Wiggin take care to see that the indenture concerning Watt Abbitts' apprentice be according to the former indenture allowed by the said Capt. Wiggin and Major Elizar Lusher at the last Portsmouth court. Will Kenison.\*

Allowed to Jno. Ilsley, 5s., to Bennett, "y<sup>e</sup> ostler," 4s., and 3s. to the maid.

skillets & 1 spitt, Hake & pot hooks & tongs, 1li. 4s.; 1 hammer, a little box, & w<sup>t</sup> is in it & a payer of pinsers, 4s.; 5 earthen panns & 3 potts, 4s.; 2 baggs wth. wooll, 3 ———, 10s., scales & 4 leaden weights, 2s., 12s.; 2 chests, 10s.; 6 yards & 1-2 of England Cotten, 1li. 10s.; 2 shirts & 2 linnen baggs & 5 sheets, blue linnen, yard & 1-2, 2li.; 1 old broad & an narrow axe, betle rings & wedges, old mattuck, other old iron, 1li.; 1 bible, 10s.; 1 table, 5s.; old iron, 3s.; Hemp & a stoole, 3s.; 5 henes & 1 cock, 5s. Copy made by Tho. Bradbury, † rec.

Inventory of the estate of Anthony Collby, late of Salisbury, deceased, taken Mar. 9, 1660, by San. Hall, Tho. Bradbury and Tho. Barnett: His waring Apparrell, 2li. 10s.; 1 feather bed & bolster & old Cotten Rugg, a payer of course sheets & a course bed case, 4li. 15s.; one old warming pan, 3s. 4d.; an other feather bed, feather pillow, feather bolster & a payer of sheets & Cotten Rugg, 4li. 10s.; about 8li. of sheeps wooll, 10s. 8d.; five pound of cotton

\* This name is written in the margin.

† Autograph.

Upon the chancering of the bond of Capt. Barefoot and Robert Tuck, the court ordered that Tayler should have 4li. 10s. for costs. Samuel French took the freeman's oath.

wooll, 5s.; 10li. of Hopps, 6s. 8d.; a bed case, feather pillow & bolster case, a payer of sheets & old cotten Rugg, 1li.; an Iron pott, pott hooks & Iron skillett, 6s. 8d.; a copp. kettle & a payer of tramells, 1li.; a little old brass skillett & old mortar & pestle, 3s. 4d.; trayes & other dary ware, 15s.; a landiron, gridiron, frying pan, old cob iron, 5s.; in old peuter, 3s. 4d.; 4 scythes, 8s.; 2 pillow beers, 3s.; table, two joynstooles, 2 chayres, 1li.; old swords & 2 old muskets, 1li.; one chest & one box, 10s.; an old saddle & a pillion, 10s.; old lumber, 10s.; a grindle stone with an Iron handle, 3s. 4d.; a new millsaw & 1-2 an old one, 1li.; a croscutt saw & half a one, 1li.; a broad how, 3 forks, a rake, 2 axes & an Iron Spade, 12s.; 5 yoakes, 10s.; 2 Iron cheynes, 10s.; halfe a tymber cheine & a new draft cheyne, 1li. 15s.; an old tumbrell with an old payer of wheelles, 1li.; 2 sleades, 1li.; a long cart & wheelles & Spanshakle & pin & 4th pt. of an other cart, 2li.; a plough & plough Irons, 10s.; 2 Canoas & 1-2 a canoa, 3li. 15s.; 6 oxen, 42 li.; 6 Cowes, 27li.; 2 3 yeare old steers, 7li.; 2 Yearlins, 3li.; 2 calves, 1li.; 7 swine, 5li. 5s.; 8 sheep, 4li.; 1 mare & colt, 20li.; 1 horse, 10s.; a dwelling house & barne & 14 acres of upland in tillage, 70 li.; a pasture of about 30 acres, 20li.; 2 lotts att yt wch is cald Mr. Hall's Farme, 5li. 10s.; about eighteen acres of fresh meadow, 40li.; ye accoodacon bought of Mr. Groome, 6li.; 2 lotts of sweepage & one higgledee piggildee lott, 4li.; 60 acres of upland towards pentucett bounds with meadow to be laid out, 10li.; ye 8th pt. of ye old saw mill, 30li.; 40 bushells of wheat, 9li.; 10 bushells of barley & 6 of rie, 3li. 4s.; about 60 bushells of Indian corne, 9li.; total, 359li. 19s. 4d. Copied from the files of the Norfolk county court records, and sworn to by the widow Colby, Tho. Bradbury,\* rec.

Anthony Colby, debtor: To Sam. Worcester, 1li. 7s.; Willi. Osgood, 2li. 9d.; Goodman Tappin, 1li. 2s. 6d.; Abram Morrill, 2li. 10s. 10d.; John Tod, 10s.; Tho. Clarke, 9s.; Mr. Russell of Charlstown, 10li.; Mr. Gerish, 5li. 8s. 6d.; Mr. Woodman, 2li. 14s.; Jno. Bartlett, 2li. 2s. 1d.; Steven Sweat, 2li. 5s. 5d.; John Webster, 13s.; Steven Greenleif, 13s.; Goodman Peirce, 10s.; Goodman Cillick, 3li.; Jno. Lewis, 1li. 10s.; Orlando Bagly, 5li. 19s.; Jno. Blower, 6s.; Mr. Worcester, 1li. 13s. 6d.; Mr. Bradbury, 16s. 9d.; to the widow Colby, 10li.; Henry Jaques, 2li. 10s.; Willi. Huntington, 11s.; John Severans, 1li. 13s. 8d.; Jno. Clough for grass, 6s.; for 9 weeks worke, 8li. 2s.; total, 68li. 14s. 7d. Debtor p Contra: Rodger Eastman, 10s.; Robert Clements, 1li. 5s.; from ye town, 9s.; Jno. Maxfield, 2li.; Leonard Hatherlee, 1li.; Sam. Worcester, 14s. 6d.; Goodman Morrill, 1li. 10s.; Steven Flanders,

\* Autograph.

Taylor and Capt. White, Capt. Pendleton and Ed. Colcord, Colcord and Palmer, horse, Colcord and Palmer, Colcord and Cass, Mr. Husey and Green, Fifeild and Green, Boulter and Shaw, Brown and Green, Marston and Green, town of Hampton and Boulter, Cousen Green, 2s. about Coul.\*

COURT HELD AT IPSWICH, MAY 5, 1663, BY ADJOURNMENT.

Lidia Wardell was ordered to be severely whipped and to pay costs to the marshal of Hampton upon her presentment for going naked into Newbury meeting house.†

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6s.; Goodman Randall, 6s.; boards at ye saw mill, 3li. 7s. 6d.; loggs to make 2000 of bord, 2li. 5s.; for work done to ye estate, 1li. 2s. 6d.; total, 14li. 15s. 6d.

The division of the estate of Anthony Colby of Salisbury, late deceased, made by Tho. Bradbury‡ and Robert Pike,‡ Apr. 9, 1661, by order of the county court held at Salisbury. To ye widdow for hir part & the two youngest children: ye dwelling house, barne and 14 acres of upland in tillage, 70li.; ye ferrrie meadow, 30li.; ye household goods, 19li. 19s. 4d.; a yoake of Oxen, 14li.; 3 Cowes, 13li. 10s.; 7 Swine, 5li. 5s.; in sheep, 2li. 10s.; in Corne, 21li. 4s.; the boggie meadow, 10li. To John Colby: an acre of land aded to his halfe acre at his house, 2li. 16s.; two cheyns, 10s.; a yoake of oxen, 15li. 10s.; Mr. Groom's accomodacons, 6li.; in sheep, 1li. 10s.; a cart & wheels, span, shackle & pin & ye 4th pt. of another cart, 2li. To Sarah, ye wife of Orlando Bagly: one Cowe & one 3 ycere old steere, 8li.; a young horse, 10li.; another Cowe, 4li. 10s.; p. Isaac Colby, 5li. 16s. More payd by Isaac Colby to Orlando Bagly for ye which the estate was debtor, 5li. 19s. 8d. To Samuell Colby: one yoake of oxen, 13li.; the pasture, 20li. To Isaac Colby: the eleven lotts of marshe at Mr. Hal's farme, 2 lotts of sweepage & one higledee pigeledee lot, 9li. 10s.; 2 yearlins, 3li.; ye part of ye saw mill, 30li. To Rebecka Colby: a Cowe, one 3 year old steere & ye mare colt, 14li.; two Calves, 1li.; a bed & bolster, 4li. 10s.; p. Isaac Colby, 2li. 11s.; p. Sam. Colby, 5li. 4s.; in corne, 11s. This division was consented to by the widow Colby and all the children who were of capacity. Confirmed by the Norfolk county court at Salisbury, 14:2:1663, and recorded by Tho. Bradbury,‡ rec.

Writ: Capt. Paul White v. Lt. Daniell Lad; debt; dated Apr. 7, 1663; signed by Richard Littlehale,‡ for the court; and served by John Johnson‡, constable of Haverhill.

‡She was the wife of Eliakim Wardell.

\* Fragmentary notes.

‡ Autograph.



Mr. Nathaniell Saltonstall was discharged of his presentment, no witness appearing.\*

The will of Thomas Antrim, presented by Edmond Batter, was allowed and proved, and said Batter was ordered to give in the original to the clerk of the Salem court, both of the will and inventory.

Henry Jaquis was allowed four shillings for hue and cries, which the treasurer was ordered to pay.

Elizabeth Webster, for taking a false oath, was ordered to stand at the meeting house door at Newbury next lecture day, from the ringing of the first bell until the minister was ready to begin prayer, with a paper on her head written in capital letters, "For taking a false oath in Court," the constable to see it done, or else to pay a fine of five pounds to the treasurer and to be disabled for taking an oath. She made choice to stand at the door.

Zacheus Curtice was sentenced, upon his presentment, to stand an hour at the court door with a paper in his hat written in great letters, "For setting up a faulse purpose of marriage att Topsfield."†

Joseph Mussye was fined upon his presentment.

The constable of Ipswich, having by order of the selectmen given notice to Francis Bates that the town was not willing to accept him for a townsman, and said Bates refusing to remove, has complained to this court for relief.

Robert Crose was fined or ordered to make acknowledgment upon his presentment for speaking scandalous words of the Major, reflecting on court and jury. His acknowledgment was accepted.‡

Mary Roffe, upon her presentment for several miscarriages, was ordered to pay a fine and was bound to good behaviour.§

\*Presented upon suspicion of getting into the meeting house and nailing Mrs. Wade's cushion on the top of the seat with divers nails, which continued there until many of the assembly came together, which was to the disturbance of many. Wit: Mr. Willson.

†Zaceus Curtis of Topsfield presented for setting up a paper at the meeting house on the Lord's day, publishing an intention of marriage between James Waters and Elisabeth Redington, being contra to the intention of the parties and without their knowledge. The father of said Cortis owned it.

‡Presented for saying he could get no justice so long as the Major sat on the bench. Wit: James Ford and William Wariner.

§The wife of John Rofe was presented for reporting a scandalous lie that John Emery, sr., brought the doctor to her house unknown to her, when she herself came and invited them. Wit:

John Kindrick was fined upon his wife's presentment.\*

John Roffe was bound for his wife's good behaviour.

William Buckley was discharged of his presentment and John Gould was ordered to pay said Buckley costs.†

Georg Smith was fined upon his presentment.‡

Andrew Peeters was fined upon his presentment.§

John Emery's presentment for entertaining Quakers was referred to the next court,|| and upon his presentment for entertaining a stranger, he was fined four shillings.

Jo. Emery, sr., and his wife, Hester Bond and Elizabeth Webster. For putting fig dust in Mr. Greeneland's bed and reporting it was Elizabeth Webster, and said Greeneland being in the cellar where his medicines were, and the maid going to draw beer, said Mary Rofe shut the door upon the maid, stood before it and bade the maid remember her love to all she saw and kiss all she met. Wit: Jo. Emery, sr., and his wife, and Ebenezer Emery. For coming to John Emery's house five nights after the time that she said Mr. Greeneland had assaulted her, laid down on his bed and the same night put a couple of stones in his bed, and since said Greenland was bound to good behavior she had sought his company both in their house and barn. Wit: Jo. Emery and his wife, Elizabeth Webster, William Neffe and Hester Bond. For keeping company at unseasonable hours of the night at her house to the disturbance of the neighbors. Wit: Tho. Silver and his wife. For riding with Mr. Cording at unseasonable times in the night, since as she says he offered that attempt of uncleanness. For reporting that Mr. Fuller would have committed a rape with her had he not been hindered by their coming in. Wit: Peeter Cheny, Hester Bond and Elizabeth Webster.

\*Presented for excess in apparel, wearing a silk hood, scarf and French fall shoes. Tho. Lord's wife, Shoreborne Willson's wife, Edward Alen's wife and Sary Avery, presented for wearing scarfs, and Robert Dutch's wife, for wearing a silk scarf, were discharged.

†Presented upon suspicion of telling a pernicious lie. Wit: Tho. Knolton, jr., Daniell Chayney, Ensigne Howlet and Even Moris.

‡Presented upon suspicion of telling a pernicious lie. Wit: Richard Smith and John Kenerick.

§Presented for disturbance or breach of the peace at the ordinary at Wenam, throwing cheese at Thomas Willet, and pursuing the latter when he attempted to escape until stopped by John Selado. Peters abused Selado and the constable was sent for. Wit: Sergt. Belsher and John Selado.

||Henry Jaques,¶ aged about forty-four years, deposed that he

† Autograph.

John Burbanke was admonished.\*

Frances Jordon was fined for entertaining strangers. Respitted until the next court.†

heard Joseph Noyes say that after the Quakers had their meeting at John Emry's house, the latter bade them welcome. Further he said that Joseph Noyce said that John Emry had entertained Quakers both for board and table, and this said Noyce testified before the church at Newbry. John Emery and his wife acknowledged it, saying that they would not put them from their house, and used argument for the lawfulness of it. Sworn in court.

John Rolfe, aged about twenty-eight years, deposed that whereas John Emery, sr., affirmed before the honored court that he had not entertained any Quakers in his house since the meeting when Mr. Parker was sent for and came to them, "I doe testifie that I being at John Emerys Sr house about 3 weeks after that time did see two Quakers there & I herd him say to them & som others that were there y<sup>t</sup> Joseph Noyce came to his house & told him that ther were two quakers coming towards his house & wisht him not to entertaine them, he sayd if they came to his house they should be welcom & he would not forbid them there they were when I cam in & there I left them I was there upon occasion neare an houer & there were prsent in goodman Emerys house wiliam Ilslly Sr & John muselwhitt." Sworn in court.

Joseph Noyes, aged twenty-six years, deposed that as he was going to Goodman Emeries, sr., he overtook two women Quakers, and supposing that they would call at said Emmery's house, he cautioned him not to entertain them. While he was talking, they went into the house and stayed until he went away. Goodman Emmery was in the chamber, because he heard him call out to his wife, the latter being in the same room with the Quakers. Said Emmery had also entertained two men Quakers "very kindly to bed and table, & John Emmerie shook y<sup>m</sup> by y<sup>e</sup> hand, and bid y<sup>m</sup> welcome." Sworn, 24: 4: 1663, before Simon Bradstreete.‡

He also was presented on suspicion of breaking the law in entertaining Mr. Greenland four months.

§John Bowbank, jr., was presented for coming into the house of Thomas Nellson when they were all in bed and took fire in his hand to carry out into the street, said Neillson telling him not to do it. Wit: Tho. Nelson and John Lamburd.

†Presented for breaking the law in entertaining Mr. Cording.

Henry Jaques,‡ constable of Newbury, acquainted the Ipswich court with the following: "For as much as John Emerie sen<sup>r</sup> is on of our grand Juri men this Last yere for our Towne of Newbery and he him selfe having Broken the Law as I do understand in

‡Autograph.

Deacon Pengry had his license renewed and also was granted a license to sell strong waters.

Mr. Baker and Corpll. Whipple had their licenses renewed.

Abraham Perkins had his license to still renewed.

The constable was ordered to take ten shillings for his charges out of the money of Stephen Graffam and return the rest of the money to the treasurer to be kept till the court take further order and the rest of the goods are released.

Ordered that Stephen Graffam appear at the next Salem court to answer for his great misdemeanor of fornication, upon penalty of ten pounds.

The marshal was allowed ten shillings for serving warrants.

Stephen Swett was licensed to sell liquors by retail.

Andrew Peeter's license was renewed to sell by the gallon.

Ordered that the treasurer issue warrants for the levying of all fines, and pay Mr. Baker what is due to him and to deliver to him five pounds of the money of Stephen Graffam.

Account of the marshal of Salem: County debtor, 271li. 3s. 2d.; creditor, 595li. 6d.; balance due to county, 323li. 17s. 4d. Distrained by the marshal and is in stock, 224li. 1s. 2d.; in fines due from runaways, 42li. 8s.; in charges expended in levying fines, 6li. 19s.; in fines not yet levied, 199li. 3s.; total, 472li. 11s. 2d. Due to the marshal, 148li. 13s. 10d.; remainder due to the county, 323li. 17s. 4d.

There being a paper called the last will and testament of Mary Smith presented and no executor named, court granted administration to Samuell Eborne, Richard Rowland and Major William Hathorne, or any two of them. They were ordered to dispose of

Entertaining of Travilers and quakers in to his house and on m<sup>r</sup> Grenland in all which disorder he haue bouldly Insisted wherby Reproch and scandall is Com upon our Towne to the dishonor of god and damag and hurt to som of our Naibours: for which acording to my dutie I am bound to Enform the honored Court of such disorder and Likewise of M<sup>r</sup> Grenland being a stranger lately Com in to the Countrie and in to our towne for not having licenc according to the law in paig 73 and 74 and Likewise I do Enform the honored Court of a quaker Elaacom Aldrous' wife of Hampton Came part naked in to our meeting house on a lords Day a litl before meeting began."\*

\* This paper may be found among miscellaneous papers, Vol. 53, p. 5, Court Files.

the estate according to the mind of the deceased expressed in the aforesaid paper.\*

\*Will of Mary Smith, widow of James Smith, dated Mar. 28, 1663: She desired to be buried in the usual place of burial in Marblehead and bequeathed "my great Brasse kittell unto my daughter Cathoron Ebrane, And for all my pewter I give to both my daughters Cathoron and Mary to be equally shared between them, allsoe I give my linninge unto my two daughters aforesaid to be equally shared betwene them, And my two great Chares I give the one to my daughter Catheron and the other to my daughter mary Rowland aforesaid. And my table & stooles I giue to my daughter Rowland, And allsoe my great Cheste, Allsoe my spitt, dripping pann the smothinge Iron and gridiron, And for my grand childrine I give and Confearme unto Samuell Rowland and Joseph Rowland all the Legasies that my husband James Smith lefte for them; and three pounds w<sup>ch</sup> is yet behinde unpaid unto my grandchild mary Eborne; And the other Legasies I doe heerby order and apoynt my tennant Samuell Cutler to pay, That is to say tenn pounds to Samuell aforesaid and five pounds to Joseph and three pounds to mary Eburne as above; moreover, I give to my daughter Mary Rowlands five Children five Cowes to each of them one; And for my daughter Catherons Children; I give to Mary and Rebeca Eborne each of them a Cowe; And the reste of my Cattell beinge three steers a heafer & a Calfe of a yeare ould, I give unto my daughter Cathorons fouer younger Children namely Moses Hannah James & Sarah to be equally devided amongste them; only my will is that James shall have the three yeare ould steer, my feather bead & two bouldsters, I give unto my grandchild Samuell Eborne & Allsoe my Iron pott, And to mary Eborne I give my litell joynt Chare, and my Box to Rebeca Eborn; And as for all debts as is due to me, my one debts that shall appeer dew my Credito<sup>rs</sup> beinge paid, the reste I give & bequeth to my two daughters Cathoren & mary aforesaid.

"Allsoe I give unto my Sonn James Smith my featherbead in the parler w<sup>th</sup> all things that doe belonge to it w<sup>th</sup> the beadsteed, my mare & my horse I give unto my sonn James to be improved for his Children; the mare being now w<sup>th</sup> foule the Coult when it falls I give to my two grand-children Samuell & Joseph Rowland, my great Cubbart I give to my daughter Eborn, as allsoe my Round table, & an Iron skillet, my pott I give to my grandchild mary Rowland my great Iron Kittell I give to my grandchild mary Eborn; my brasse skillet to my daughter Rowland, my green Rugg I give to Samuell Eborn w<sup>th</sup> the bead aforesaid; my Read Rugg I give to my daughter Eborn, And my two peare of blanketts I give to my daughters to each one peare. And the reste of my stuff I give betwene my two daughters aforesaid to be equally devided amonge them." Mary (her mark) Smith. Wit: William Pitt,

Hugh Marsh allowed costs in Mr. Greenland's and Richard Cordin's cases, which were prosecuted by him.

Henry Jaquis, constable, allowed costs.

Five shillings were given to the house.

Joseph Rowland and Mary Eborn. Copy made, Apr. 16, 1663, by Francis Johnson.\*

"the bead and furnytver belonging to itt: in the wish the said mary Smith dyed in: she gave itt to her sonn James Smith then leven in ould ingland: the bead and furnytture was this — one beadsted: one bead: tto bouldsters: and two pellowes: and one pare of blanketts: one rouge: and the Curtains and vallings: and one bead matte: and Cord: then belonging to itt. this is a truth: I then being present when this was so given Jane James — this she said is my deare sonn James Smiths, 18<sup>th</sup>-10-63. A Sute of Clothes of Casa Catrin aborne and a pare of woosted stockings. mary aborne."

Presentments, dated Mar. 31, 1663, and signed by Jonathan Wade,\* in the name of the rest of the grand jury:—

The wife of John How, for wearing a silk scarf and silver bodkin when she was a widow, was discharged. Wit: Georg Killborn's wife and Leonard Hereman's wife.

The wife of Samuuell Mighill, for wearing a silk scarf, was discharged. Wit: John Tod's wife and Tho. Wod's wife.

Henry Batchelder, for absenting himself from the meetings on the Lord's day.

Henry Lezenby, Richard Doell's man, for pulling down a board and going in Goodwife Rofe's window, coming upon three folks in bed. Wit: Elizabeth Webster and Hester Bond.

Richard Knight and Hugh Marsh, for playing at cards at the house of the former. Wit: Bathshebah Knight and John Adkeson.

Joseph Muzey, for reporting scandalous lies against Mr. Greenland, Mr. Cording, John Emery, sr., and Stephen Sweate. Wit: James Merricke and his wife and Stephen Sweate.

Robert Rogers, being bound to good behaviour, meeting Hester Bond and Mary Rofe in Rich. Dole's orchard, said to Hester that he was sorry there was such a difference between them, but if she had kept her tricks to herself they might have lived well enough. She said she was afraid he was in drink but he said no, he was in cold blood. Wit: Mary Rofe and Hester Bond.

Will, dated Jan. 14, 1661, of Rev. John Norton of Boston, who was about to make a voyage to England: "Unto my brother M<sup>r</sup> william Norton of Ipswich, New England I give the sixe acre lott so called lying w<sup>th</sup>in the Comon fence be it more or lesse, and the three acre lott so called lying in the Towne be it more or lesse, both which at present are in his occupation. I give also unto him all that house lott conteyning two acres more or less, w<sup>ch</sup> I bought of

\* Autograph.

mathew whiple deceased and is now in the occupation of goodman Annable I give also unto my said brother william Norton that one hundred pounds due unto me for my house in Ipswich w<sup>ch</sup> m<sup>r</sup> Cobbet now dwelleth in or if the one hundred pounds be not paid unto him w<sup>hin</sup> three moneths space after legall demand made by him upon the knowledge of my decease. I then give unto him the house itselfe w<sup>h</sup> the yarde yarden orchard or orchards & rest of the land lying unto the house as an houselot & bought since of m<sup>r</sup> Baker I meane all that & only that which was sold unto m<sup>r</sup> Cobbet, conceiving my title thereunto to be good upon default of non payment I give also unto my said brother william Ten pounds in currant money of New England to be paid unto him w<sup>hin</sup> three months after my decease:

“I Give unto my ever endeared & honoured mother thirtie pounds in currant money of England to be paid unto hir use in london at my Brother m<sup>r</sup> Thomas Nortons house w<sup>hin</sup> three yeares next following upon my decease after the proportion of ten pounds per Annum that is to say the first yeare ten pounds, the second yeare ten pounds the third year ten pounds if she live so long. I give to my two sisters m<sup>rs</sup> martha Wood, & my sister m<sup>rs</sup> mary young I say I give betweene them both twenty pounds that is to each of them ten pounds of current money of England to be paid w<sup>hin</sup> one year after my decease at my brother Thomas his house in London. I desire my brother m<sup>r</sup> Thomas Norton and my sister m<sup>rs</sup> Elisabeth Norton either of them to accept of a Gold Ring of forty shillings price, for which end I give fowre pounds in current english money to be paid unto my brother Tho. and Sister Elisab. by the first oppertunitye after my decease. I give unto the poore of Boston ten pounds to be paid within three months after my decease I intend this ten pounds to the poore of that church in Boston whereto I am an unworthy officer: The rest of my estate (except ten pounds reserved for two overseers) I give unto my wife m<sup>rs</sup> mary Norton namely my farme at Ipswich w<sup>h</sup> the dwelling house barne or barnes outhouses or whatsoever belongeth thereunto. Also the sixe acre lot w<sup>ch</sup> I bought of goodman Dane, Also my dwelling house in Boston w<sup>h</sup> all the land be it one acre more or lesse w<sup>h</sup> whatsoever else belonging thereunto. I give unto hir also all my household stufte and furniture whither plate joinery Bedding, linnen, peuter, Brasse, Iron or what kind soeuer, Also I give unto hir besides the three hundred & forty pounds which I have in England (three hundred whereof is due unto hir during hir naturall life) in the hands of Captaine John Leveret and my brother m<sup>r</sup> Thomas Norton or in the hands of whomsoever they or either of them according to my orde<sup>r</sup> have disposed it Into I give also unto hir one hundred seventeene pounds & ten shillings of current New England money now in the hands of m<sup>r</sup> John Paine merchant of Boston: Also I give unto hir what the said m<sup>r</sup> John paine of Boston oweth me upon the account of five hundred acres of land sold unto him by me for thirtie pounds.

“Also I give unto hir thirty & two pounds or whatsoever more is owing to me by m<sup>r</sup> Epps of Ipswich in New England also I give unto her all the money which I left with hir in the house provided alwayes that after the decease of my wife I give my farme at Ipswich w<sup>th</sup> the dwelling house barne or barnes outhouses or whatsoever els then shall belong thereunto w<sup>th</sup> the sixe acres which I bought of Goodman Dane unto the children of my brother M<sup>r</sup> William Norton to be divided equally amongst them his eldest son having a double portion out of the same and himself if he survive my wife I meane by brother william if he survive my wife to enjoy the same unto his owne use during his naturall life, then to be divided amongst his children as is before said: My library I leave unto my wife also so as if she shall neede & see cause she may make the best of it for hir owne use otherwise my desire by these to her is, that if any of my brother Williams sonnes be trayned up unto the ministrye then to bestow it on him or them so educated, but this having thus farr signified my desire I leave wholly unto hirselfe securing myselfe that she will not be wanting to Answer my true Intent heerein:

“Finally I make my sincerely beloved & loving wife M<sup>rs</sup> mary Norton sole executrix of this my last will and testament and I desire my good friends m<sup>r</sup> Rawson secretary, and Elder Pen to be my overseeres and to accept as a testimony of my thankfulness to them || of || five pounds a peece which ten pounds my will is shall be paid unto them that is to either of them fiue pounds, w<sup>th</sup>in three months after my decease.” John Norton. Wit: John Wilson, jr., and James Johnson. Sworn before the magistrate, the Deputy Governor, Mr. Rich. Russell and the recorder, on Apr. 16, 1663. Copy made by Edw. Rawson,\* recorder.

Will of Thomas Antrum of Salem was proved 3: 5: 1663. He bequeathed to : “Isaack Burnape the son of my daughter Burnape ten pounds at the age of twenty one years to be paid: if he dye before to be giuen to my son Obadiah Antrum Item I giue to Thomas Spooner my horse Colt Item I giue to Helyard Verin five pounds Item I giue to Obadiah Antrum my son all the Remaind<sup>r</sup> of my estate but in Case it should please god to take away by death my son before the will be proued: that then the Childe or Children of my daughter Hannah Burnape: (who hath hade her full porcon Already) shall haue the estate devided amongst them at the age of eighteene years. Morour I apoynte Edmond Batter my Executor for this my will and Thomas Spooner and Helyard Veren my Ouerseer as witnes my hand: this 24 of 11<sup>mo</sup> 1662.” Thomas (his mark) Antrum. Wit: Thomas Spooner\* and William Woodcocke.\*

Inventory of the estate of Thomas Antrum of Salem, deceased, taken Feb. 17, 1662, by Elias Stileman\* and John Ruck:\* Cattell lett to hire, 70li.; by soe much due for hire of ye said cattell, 10li.;

\* Autograph.



## COURT HELD AT SALEM, 30 : 4 : 1663.

Judges: The Worshipfull Mr. Symond Bradstreet, Mr. Samll. Symonds and Major Danyell Denison.

Grand jury: Mr. Charles Gott, Henry Herrick, Antho. Buxtone, John Neale, Tho. Rootes, Will. Flint, Henry Roades, Richard Johnson, John Ramsdell, sr., Tho. Newell, Silvester Eavly, John Bartoll and William Allen.

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by soe much due for a farme he sold in his life time, 80li.; 2 peeces of march containing 1 1-4 acres, 6li.; 2 steers, 3 yeare old a peece, 9li.; 1 mare at Lyn, 10li. & 1 mare in ye woods if not lost, 8li., 18li.; a stone colt, 8li., 2 brass Kettells, 2li., 3 Iron potts, 2li. 2s., 12li. 2s.; 1 brass pot & 2 bell mettle skilletts, 15s.; 2 brasse skilletts & pott hooeces, 8s.; 1 skumer & brass ladle & pestle & mortar, 6s.; 1 brass candlestick & chamber pot, 3s., 6 pewter platters, 18s., 1li. 1s.; 3 plates & 3 pewter dishes, 6s.; 30 old basons & 5 saucers & old pewter, 8s., 1 sword, 30d., 10s. 6d.; bookes, 4s., a stone bottle, 6d., a bucking tubb, 2s., 6s. 6d.; At Goodman Spooners, 1 loome, 25s., 6 pr. sleas & harnesse & shuttle, 25s., 2li. 10s.; 2 1-4 yrd. wt. cotten cloath, 5s., 2 cource sheets & 4 old bagges, 5s., 10s.; an Iron kettle, 7s., 2 old brass kettles, 2s., 9s.; a beame & scales & shott waite, 5s.; 2 old basketts & a littell woole, 1s.; 2 pr. stockens, 5s., 12 yrds. Kersy, 6s. p. yrd., 3li. 12s., 3li. 17s.; 3 yellow Curtaines & vallens, 20s., a green Curtaine & carpett, 1li. 7s.; 1 whittle, 10s., & 1 shagg mantle, 4s., a broad cloath stamell. mantle, 1li. 14s.; 1 Jump cloake & hood for a woeman, 1li. 10s.; 2 cloakes & 1 long coate, 5li.; 1 Hatt & Portugall capp, 8s., 5li. 8s.; 1 muffe, 1s., 17 1-4 yds Linnen cloath, 24s., 1li. 5s.; 3 long coates, 2li., 3 pr. breeches, 2 dublets, 3 short coates & wascoats, 3li., 5li.; 1 feather bead & bolster, 4li., 1 old feather bead & bolster, 2 li., 6li.; 1 flock bead & bolster, 20s., 3 feather pillowes, 10s., 1li. 10s.; 1 pr. course sheets, 8s., 1 blew Rugg, 35s., 1 green old Rugg, 5s., 2li. 8s.; a wt. blanket, 1 blew & 1 Cotten blankett, 1 new wt. blankett, 1li., 25 yds. Cotton cloath, 3li., 2s. 6d., 8 bands, 2 capps, 3s., 3li. 5s. 6d.; 12 yds. tiking, 36s., 4 Cource & 5 worne shifts, 14s., 2li. 10s.; 1 Lind. wascoat, 2s., & skirt, 2s., 1 pr. sheets, 12s., 5 cource sheets, 10s., 1li. 4s.; 1 pr. pillow beers, 4s., a wenscot chest & 1 plaine chest, 14s., 18s.; 1 old settle chest, 12d., 3 chaires, 2s., 1 box, 1s., 2 pr. shooes, 6s., 10s.; frying pan, 18d., a hauck, chamber pot, suckling bottle & porenger, 3s., 4s. 6d.; a brass candlestick & lamp, 18d., 2 Jugg bottles, 18d., 2 1-2 yrd. penestone, 10s., 13s.; a bible, 10s.; in money, 6li. 15s. 6d.; 5 pillow beers in a box, 10s., 7li. 15s. 6d.; 5 napkens, 3 towells, 8s., 3 table cloathes, 10s., a remnt. of holland, 3s., 1li. 1s.; 1 holland sheete, 13s., 5 cource sheets, 16s., 2 boxes, 4s., 1li. 13s.; 5 spoones, & 1 Iron candle stick, 2s. 6d.; total, 263li. 6s.

Jury of trials: Capt. Tho. Lothrop, Mr. Jon. Ruck, Mr. Antho. Ashby, Henry Skerry, Samuell Pickman, Tho. Farrer, Robt. Lemon, Mr. Peeter Duncan, Robt. Potter, Henry Collens, jr., Jon. Peach, jr., and Mark Bachelдор. In Andrew Mansfeld's action in the place of Capt. Lothrop, Leift. Jon. Rimenton.

Civil cases:—

Andrew Mansfeld v. John Hathorne. Appeal made by Jon. Mansfeld, attorney to said Andrew, from the judgment of a special court held, 30: 1: 1663, by the commissioners of Lynn.

Mr. Edmond Batter v. Wm. Prichett. Trespass. For occupying his land within the bounds of Topsfeld. Verdict for plaintiff, eight pounds, to be paid in what the ground produced.

Richd. Brabrooke v. Corppl. Jon. Gage and Wm. Whitred. Trespass. For coming upon his farm, now in the occupation of Jon. Marshall, taking possession of his marsh by making bounds and forewarning his tenant about mowing said marsh. Verdict for plaintiff. Appealed to the next Court of Assistants. Wm. Whitred and Tho. Whitred bound.\*

John Godfery v. George Hadly. Non-payment of 20li. 8s. due upon bond which should have been paid to Jon. Godfery on Mar. 25. Verdict for plaintiff, the defendant to deliver the yoke of oxen and twenty-two bushels of wheat within one fortnight.

Robt. Hasselton v. George Hadly. Review of an action tried at the last Ipswich court. Verdict for plaintiff, that he should have his land according to the second division. Appealed to the next Court of Assistants. Mr. Crossby and George Hadly bound.

Mr. George Emory v. Wm. Delloe. Debt. For the cure of his hand. Defendant, not appearing, forfeited his bond.

John Godfery v. Jonathan Singletary. Defamation. For reporting that plaintiff went into Ipswich prison in the night when the doors were locked and when said Singletary was in the prison, and other slanderous speeches. Verdict for plaintiff. Appealed. John Godfery and Mr. Edmond Batter bound.

\*John Marshall deposed that he had been several times with William Whitred upon his marsh, and that he had shown him the bounds, which Whitred said extended from a tree between John Burnam's and Richard Brabrocke's farm to a creek called Harredin's creek, which he said was the bound down to the channel. Sworn in court. Copy made by Hillyard Veren,† clericus.

† Autograph.

Mr. Henry Greenland v. Samll. Bennett. Debt. Due for physical means. Verdict for plaintiff. Edward Richards, attorney for Samll. Bennet, appealed. Ed. Richards and Mr. John Hathorne bound.

Mr. Henry Greenland v. Richd. Dole. Slander and defamation. For saying that plaintiff sent for the wife of John Roafe at John Emorie's barn, said Greenland being under great bonds at that time for his good behavior, and that he could prove it. Verdict for plaintiff.

Mr. Henry Greenland, attorney for Mr. Richd. Cording v. John Bishop. Debt. For physical means and attendance for his wife. Verdict for plaintiff.

John Emory, sr. v. John Roafe, jr., and Mary, his wife. Slander or defamation. By taking an oath at last Ipswich court that all the people went down from Mr. Greenland's chamber except John Emory and his wife, etc., which was not true. Verdict for defendant.

Isack Ong v. John Longly. Slander. For saying that plaintiff killed a man for his doublet. Verdict for plaintiff.

John Rolfe, jr. v. John Emory, sr. For bringing Mr. Greenland and Mr. Cording to his house at an unseasonable time of night, when plaintiff was not at home, and for sending for Mary, wife of said John Rolfe, to go to Emory's house to drink strong liquors and for giving her entertainment at his house. Verdict for defendant.

Capt. Wm. Geerish, Henry Short, Richard Kent, Richd. Knight, Hugh March and Richd. Dole v. John Emory. For breach of a town order of Newbery, in entertaining Mr. Greenland to the great prejudice of the town. Withdrawn.

Benjamin Parmiter was licensed to sell or draw beer for the ensuing year.

Capt. Tho. Savage v. Mordecaie Creford. For withholding a debt due for goods and provisions since 27: 10: 1661. Verdict for the plaintiff.

Capt. Tho. Savage v. Mordecaie Creford. For refusing to give possession of a house and land, with outhouses, situate in Salem, also of twenty acres of land near "Seader stand," and also one bark and one half a bark and the produce of a fishing voyage, with two boats at Capnawagon, all of which was sold and mortgaged to said Savage by said Creford. Verdict for plaintiff.

Tho. Poore acknowledged judgment to Capt. George Corwin.

Symond Bradstreet, gentleman v. Isaack Cosens and Thomas Stawbry. Debt due upon bond for non-appearance at the last Ipswich court. Defendant, together with Rich. Croad, surety, forfeited their bond for appearance.

Robt. Ingalls and Jon. Burrowes of Linn were sworn constables for the year ensuing.

John Fich was chosen and sworn constable for Gloster.

John Norman was sworn constable for Manchester.

Richard Shatswell v. Mr. Wm. Norton. Trespass. For making use of plaintiff's land toward Reedy marsh bridge and laying claim thereto. Verdict for defendant.

Margaret, widow of John Bennet, was appointed administratrix of his estate. Inventory,\* 76li. 2s. The estate was to remain in the widow's hands, save the house and land appraised at 50li., which, after the widow's decease, was to go to her daughter Mary, wife of Elias White, and to her daughter's maid's child Joane had by her first husband, Christopher Codner.

Robt. Crosse v. John Marshal. Unjust molestation. By suing him at Ipswich court about mowing his grass. Nonsuited.

John Porter, sr. v. Mr. Tho. Andrewes, administrator of the estate of John Andrewes, deceased. Debt. Nonsuited.

Mr. John Paine, executor of the estate of Mr. Wm. Paine, late of Boston, deceased v. Walter Barefoot. Debt. Neither plaintiff nor defendant were of this county and the cause could not be tried here. Nonsuited.

Mr. Edmond Batter v. Samll. Archard, sr. For not delivering the full quantity of fish due him from Mordecaie Creford, according to judgment granted him in June, 1662. Verdict for plaintiff.

Whereas there was an attorneyship given to Mr. Danyell Epps from Colonel Thomas Read, who had an estate in land and other ways in this country, the said Colonel Reade having deceased, said Epps was appointed administrator of the estate to bring in an inventory to the next Ipswich court.

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\*An invoice, dated June 29, 1663, of the estate of widow Benett of Marvelhead: For a house Lot and fence, 50li.; four Swine, 6li.; four heifers, 7li.; a fether bed and furniture, 5li.; one Rug, 2li.; a Coate, 1li. 5s.; Iron, Brasse and puter, 2li. 5s.; a table, box and Chist, 12s.; total, 76li. 2s.

The will\* and inventory† of Tho. Flint, deceased, were proved by Robert Moulton and Job Swinerton, and allowed.

\*Will of Thomas Flint, dated Apr. 1, 1663, was proved 2: 5: 1663. He bequeathed to " my wife . . . fiftie Acres of emproved Land & my meadow & housing. To my sonne Thomas I Giue thirtie acres of vpland one my ffarme next to M<sup>r</sup> Gardners as hee sees fit not entrenching one his mothers meadow or broken land as also ten pounds in Corne or Cattell all which he is to enjoy at age: As *also after* my wives decease to enjoy two thirds of my ffarme I bought of which was M<sup>r</sup> Higginsons & Goodman Goodall, & in case his mother doth marrie then that he shall enjoy the one halfe of the emproved Lands & meadow & housing. To my sonnes George & John, I give all my Land I bought beyond the River, to enjoy equally devided to them when they are at age or at their mothers decease yf shee die before, it is my will that yf George die without seed, then my sonne John to enjoy his part, & yf John die without seed then my sonne George to enjoy his parte.

"To my sonne Joseph I give the other third part of my Land which was M<sup>r</sup> Higginsons & Goodman Goodalls, It is provided that my sonne Joseph enjoy it at his mothers decease, & yf my sonne Thomas die without seed vnmarrried then his part to fall to my sonne Joseph & Contrariwise yf my sonne Joseph die without seed then his part to fall to Thomas & soe to pass from one to another yf hee that enjoyes it die without issue. To my daughter Elizabeth I Giue thirtie pounds at marriage in Corne & Cattell, & I doe appoint my sonne Thomas when he enjoys his two thirds as abouesaid then to pay to my Daughter Elizabeth & in case the ffarme fall into Josephs hands before he is of age or after he to pay her the said ten pounds I doe appoint my wife whole executor, I entreate my Two friends M<sup>r</sup> William Browne Senio<sup>r</sup> & Goodman Moulton to bee my overseers, to see this my will & testament pformed, & this I Leave as my Last will and Testament. In witness whereof I set to my hand. T. F." Wit: Robert Moulton, ‡ Joseph (his mark) Pore and Job Swinerton, jr. ‡

"my will is that my wife at her death giue the estate shee leaues to my children whome shee will

"my desire is that my freind Job Swinerton Junior be joined with m<sup>r</sup> Browne & Goodman moulton."

†Inventory of the estate of Thomas Flint, taken Apr. 14, 1663, by Robert Moulton, ‡ Samuel Verry ‡ and Henry Phelps: ‡ The FFarme, 120li.; land Bought of Goodman Goodall, 20li.; land bought beyond Ipswitch River, 41li.; neate Cattell, foure oxen, 20li.; two yongue steeres, 5li.; sixe two yearlings, 12li.; a bull, 3li.; a Mare & Foale, 15li.; two horses, 20li.; a Yongue horse, 5li.; a Cart & plow, chaine, axes, howes, 3li.; Indian Corne, ten Bushels, 1li. 10s.; a Bushell Rie, 4s.; two Kittles & a pot, 1li.; pewter,

‡ Autograph.

Wm. Edmonds had his license renewed for the ensuing year and was also licensed to draw strong waters until next Salem court.

Richard Waters was granted a license to still and sell strong waters at retail.

Robt. Sollas, dying intestate, the widow, Freeborn Sollas brought in an inventory\* of his estate, amounting to 143li. 9s. 6d., and was appointed administratrix. She was ordered to pay the children had by her late husband, Hanna, Mary, Sara and Robert Sollas, 10li. each at age, and to give bond for the payment of the children's portions at such time as she change her condition by marriage.

There being a petition presented to court from the selectmen of Newbery for the remittance of a penalty for not repairing a highway according to court order, this court remitted the fine until next Ipswich court.

Steeven Graffam, alias Grafton, bound to this court for committing fornication, forfeited his bond for appearance. Court moderated the bond to six pounds, and ordered that the goods of his in the hands of the treasurer or constable of Ipswich be released and delivered to said Graffam or his attorney.

Whereas there was an estate of Mathew Whiple of Ipswich, deceased, which was ordered at a court held at Ipswich, Mar. 29,

12s.; bed & bedding, 10li.; wearing clothes, 10li.; chest & lumber, 1li.; swine, 10li.; a fitch of bacon, 1li.; William Curtess is debtr., 6li.; land bought, 1li. 10s.; total, 330li. 16s. Thomas Flint, debtr.: To Mr. Browne, 15li.; Goodman Goodall, 20li.; Goodman Cowdrie, 3li. 15s.; Goodman Clarke & Lieutenant Smith, 16li. 5s.; Goodman Canterbury, 3li.; other small debts, 7li. 13s. 4d.; total, 65li. 13s. 4d.

\*Inventory of the estate of Robert Sallos, appraised by Tho. Lowthropp,† John Thorndike,† Richard (his mark) Brackenbury and John Pache:† Wearing Cloathes, 8li. 15s.; woster & yearne, woolen & lininge, 1li. 10s.; boots & showes, 12s.; fishing lines & leads, 13s.; bands, table-cloathes & napkins, 5li. 11s.; five paire of sheets, 5li. 2s.; shirts & one ould waskecott, 10s.; one musket, sword & bandlears, 1li. 10s.; bedding, 3li. 11s.; barrels, 11s.; flax & leade, 18s.; in beding, 10li. 9s.; towe chests, one truncke, towe boxes, 1li. 14s.; two bedsteeds, 12s.; bookes, 1li.; Iron ware, 2li. 13s.; one smothin Iron & looking glas, 8s.; puter, 2li. 3s.; earthen ware, 16s.; wood ware, baskets, spinning wheeles, 1li.; lumber, 1li.; one Cowe, 5li.; two pigs, 1li. 10s.; house & ground, 75li.; one prentice box which cost 10li.; one Cannow, 1li. 1s.; total, 143li. 9s. 6d. In fish, 8li. 10s.; in salt, 1li. 4s.

† Autograph.

1659, to be given to Mary, wife of said Mathew and their child, that is, the land to the said child and the rest of the estate to the widow, the child having since deceased, this court appointed John Whiple, son of Mathew Whiple, father of said Mathew, deceased, administrator of the estate of the child, and to bring in an inventory to the next Ipswich court.

Mr. Thadeus Riddan had his license renewed to sell strong waters at retail.

Whereas Jon. Wolcott received of the marshal of Salem 20li. toward the building of a bridge in Newbery bounds, and there being 20li. more to be paid him, court ordered that the county treasurer pay said Woolcott.

Isaack Hull, who came over in the John of Waimouth in 1663, was allowed as an inhabitant of this jurisdiction.

Joane, wife of Wm. Longly, and his daughters Mary and Hanna, being complained of for resisting the constable and his assistant, were fined and ordered to pay charges to constable Tarbox, and to witnesses, Oakes, Tarbox, Newell and constable Burell.

Grace, wife of Thomas Sollas, deceased, presented an inventory\* of his estate amounting to 70li. 15s. 5d., and was appointed administratrix. Court ordered to the children as follows: to Thomas, 4li., and to Mary, Robert and Abigail, 40s., each at age.

\*Inventory of the estate of Thomas Sallowes, taken June 4, 1663, by Elias Stileman† and Tho. Rootes:† One house & one acre & halfe of Land, 60li.; one Cowe, 4li. In ye parlour: one feather bed & 2 boulsters, 2 pillowes, 1 pr. of white blanketts, 1 blue Rugg, a straw bed, curtaines & vallance & bedsted, 8li.; 1 Court Cubbard, 12s.; 1 wainscort chest, 10s.; 1 table & 2 joyne stooles, 10s.; 1 carpit, 9s.; 3 boxes & 3 chaires, 8s.; 1 warming pan & pr. tongs & fire shovell, 8s.; 1 Cushion for a Cubbard's head, 1s. In ye Hall: 1 ould feather bed & 1 pr. blanketts, 1 feather boulster, a canvass bed & a boulster case, 1 greene rugg, 1 bedsted, curtanies & valance, 5li.; 1 pr. blanketts, a feather pillow & 2 canvass bed case, 1li.; 1 settle, 5s. & 9 chaires, 13s.; 6 cushions, 6s., 3 feather pillows, 4s., 10s.; 2 hakes, 1 pr. tongs, a spit & gredeiren, 6s.; 1 frying pann, old, 12d., & smothing Iron, 2s. 6d.; 2 Iron potts, 1 Iron kettle & skillett, 14s.; 2 brass kettles & 2 skillett, 1li. 6s.; 1 Looking glass & a Jugg bottle, 1li. 6s.; 2 bookes of Mr. Burroughs & 2 ps. bookes, 10s.; 1 brush, 9d., 2 pr. pott hookes, 2s., 2s. 9d.; in wearing clothes, 3li.; 9 pewter dishes, 1 bason, 2 small basins, 2 quart potts, 8 porrengers, 4 spoones, 1 beaker & a boule & 1-2 pint pott, 7 saucers,

† Autograph.

William Hoare was allowed 6s. for costs for his attendance three days, being under an attachment to answer Abner Oardaway, and said Abner not prosecuting.

Whereas John Comins, mariner, late of Salem, had been lately out upon a voyage and it being feared that he was lost, all his estate in the hands of John Orme of Salem and all else to be found in this country, said Orme was ordered to inventory and return the same to the next Salem or Ipswich court.

John Pearle, being censured by the Ipswich court and ordered to be corporally punished, upon his petition to this court, the punishment was ordered respitted upon condition that he pay 8li. to the marshal of Salem before the next Ipswich court.

Mr. Gedney, Mr. Duncan and Thomas Marshall had their licenses renewed for selling strong waters at retail.

Richard Dole was released from common training, paying 10s. yearly to the use of the company.

Mr. Joseph Bowd, being bound over to this court by the Worshipfull Major Wm. Hathorne for breach of law in selling strong waters at retail, was fined 20li. for four offences, 5li. to be paid at once, and the remainder to be respitted until he have opportunity to petition to the General Court for remitting.

John Aey, being indicted for breach of the peace, and desiring to be tried by a jury, was found guilty and fined. Also Tho. Burby and John Aey, for provoking speeches at the smith's shop in Rowly, provoking one another, and unworthy carriages, were ordered to make acknowledgment in open court, which they did.

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2 salts, 1li. 15s.; 1 brass candlestick & 2 brass Ladles, 5s.; in Latten waire, 3s.; Lisburne ware & glasses, 10s.; 2 doz. of trenchers & 6 spoones, 1s. 6d.; 15 woodn. dishes & 3 trays, 5s.; 3 sives, 3s., 2 chests, 6s.; small table, 4s., 13s.; 1 musquet, 10s.; 2 baggs, 5s., & old sea beds & bedding, 15s., 1li.; 13 sheetes, 3li. 10s.; 3 callico table clothes & 1 ossingbriggs, 15s.; 2 old cobberd clothes, 2s., 6 Lockm. napkins, 8s.; 12 pillow-beers, 20s.; 6 small ones, 3s., 1li. 3s.; 14 towells & 1 table cloth, 14s.; 5 shirts & 1 white demyty wastcote, 1li. 10s.; 2 old axes, wedges & erthen potts, 8s.; in Lumber, old barrells & tables & pals, 10s.; 1 Lining bask good & 2 old, 3s.; in a part of a stage & house at ye Messery, 1li. 10s.; 4 codlines, 2 pr. of shoes & portugall capp, 10s.; 1 doz. handkerchiefs & 6 bands, 10s.; 6 pr. Stockings & a spinning wheele, 12s.; a pestle & mortar of brass, 2s. 1d.; total, 105li. 11s. 3d. Debtor: to Mr. Wm. Browne, 18li. 15s. 10d.; to Wm. Allen, 16li.; total, 34li. 15s. 10d.



William Longly and Edward Richards, appealing from the commissioners' court at Lynn to the Ipswich court, and not prosecuting the appeal, were fined.

Joseph Bowed was licensed to sell strong waters and beer at retail until the next Salem court, upon trial.

Mr. Edmond Batter, who, with Mr. Joseph Humfries, was administrator of the estate of John Humphries, deceased, presented an inventory which was allowed. Said Batter was allowed full power of administration in the absence of Joseph Humfries.

Inventory\* of the estate of George Smith, deceased, was allowed, and his mother, the widow Smith, was appointed administratrix.

Inventory† of the estate of Henry Mudle was presented to this court by Mr. Peeter Duncan.

\*Inventory of the estate of Georg Smith, late of Salem, deceased, appraised Mar. 9, 1662-3, by Jefferie Massey‡ and Tho. Rootes:‡ One Cloth Cloke, 2li. 5s.; a short Coate, a wastcote, a payre of stuff breeches and an ould Coate, 3li. 8s.; 2 ould shirts, 7s.; 1 hatt, 7s.; 1 hatt, 3s.; 4 bands, 4s.; 8 handkerchifs, 8s.; 2 payre of stockings, 6s.; debts due, 1li. 6s.; total, 9li.; debts owing the estate, 2li. 11s. 3d.

†“Whereas theare was a writtinge delivered unto Ipswich Courte in March anno 1662 By the Selectmen of Gloucester w<sup>ch</sup> they Called an Inventory, in these words: "Two Barrells mackrell, Richard Beefard indebted unto the sd Muddle, 8s.; one old Coate, 5s.; one new wascoate, 15s.; one suite of Kersey, 2li.; one Coate, 14s. 6d.; one pare of French heele shooes, 5s.; two pare stockings, 10s.; one sharte, 7s.; one hatt, 14s.; one Lockram Sharte, 9s.; one sharte, 10s.; one lockram sharte, 10s.; one halfe sileke neckcloath, 6s.; one Linen necke Cloath, 1s. 6d.; 1 handcharchife, 6d.; 1 pr. yarn Gloves, 1s. 6d.; 1 pr. Leather Gloves, 1s. 6d.; 1 Codline, 3s.; 1 dozen & 1-2 hookes, 4s. 6d.; 1 pue, 6d.; a Chest, 2s. 6d.; Cape, 5s.; 4 3-4 yds Cape Cloath, 16s. 7d.; one heyfor wee find in Henry Walker's hands, 2li. 10s.; wee find in Osman Duch's hands, 3li.; total, 14li. 16s. 10d.; since which time received in June, 1663, of Robert Ellwell, 2 quintalls merchantable fish, 1li. 12s.; making total 16li. 8s. 10d. Charges for wintering a hyfer wch. I payd Hen. Walker for, 12s.; in Osman Duches Debt paid Before his Death, 2li.; To the Clarke of Ipswich for writtings, 2s.; for my Journey to Salem aboute this Buisnesse, 5s.; total, 2li. 19s. Sworn in court by Peter Duncan.‡

Another account, dated Gloucester, Aug. 6, 1661, was also presented by Peter Duncan:‡ Henry Mudle, Debitor, Aug. 6, to balance of former acctt., 10s. 1d., to sugar, 7d.; Aug. 9, to John

‡ Autograph.

The servants of the house were allowed 7s., and Mr. Browne's maid, 18d.

Will\* and inventory of Wm. Cantlebury were allowed, the will being proved by John Porter, sr., and Nathanyell Felton.

French, the Tayler, 5s. 6d., wine and Rume at severall tymes, 1li. 16s. 5d.; Oct. 28, to Caske for 2 tun barrells, 28s. p tun, 2 li. 16s., to marchandise for 7 1-2 yds. Canvas, 14s., for threed, 3d.; Aug. 29, to sugar, 6d.; Aug. 30, to marchandise for thread, 6d., to rum, 1 gallon, 6s., wine 4 gallons, 3 qtrs. delivered to Jno. Gent p. his order & 22 1-2 li. sugar, 1li. 5s. 1d.; Nov. 20, brandy 1 quart, 2s., wine & rum, 1li. 9s., poorke 386li. at 4d., p. li., 6li. 8s. 8d., bisquits for 2-1-0 at 21s. p., 2li. 7s. 3d., marchandise for 2 holland neck-cloathes, 8s.; Nov. 28, to Thomas Millett, sr., for 2 bushells Indian Corne, 6s.; total, 18li. 15s. 10d. Henry Muddle, Creditor, Oct. 12, 1661: Oct. 20, By fish 4 quantalls refuse att 11s. p. qntl., 2li. 4s.; Mar. 1, By 159li. porke wch. the selectmen of Gloucester Delivered as they said to mee Beeinge a parte of ye 386li. of porke wch. I Charge one the other side wch. the selectmen delivered mee at 5d. p., 3li. 6s. 8d.; Oct. 20, 1662, by the acctt. of his Estate wch. is Due to mee upon Ballance of this acctt, 13li. 5s. 7d.; total, 18li. 15s. 10d.

\*Will of William Cantlebury of Salem, dated Apr. 2, 1661, was proved 3: 5: 1663. He bequeathed to "Beatrice my wife, my house and orchard, & the land lying betweene the land of Richard Leach & John Rowden: the which house and land I giue to her & to be at her dispose. Item: I giue vnto Beatrice my wife: all my moucable goods, all my Catle: both younge and old, & horse and mares. All the which foresayed house and land: moucable goods and Catle I giue vnto her frely, & to be at her dispose: Provided, that in case my wife should marry to another husband: my children be not deprived, of what my wife shal leaue at her decease. Item: I giue vnto my son John: the 3 quarters of the farme. I bought of m<sup>r</sup> George Corwine (the 20 acres excepted, that I disposed of to Job Swinnerton) only Inioyning him, to pay as legacyes out of the same, twenty pounds to my Daughter Ruth, & twenty pounds to my Daughter Rebecca & her children. Item: my will is in case my son John shal depart this life, or shal not come to take possession of the sayd farme, I giue vnto him, for that is my will that he shall come in person to take possession: or else: If he depart this life, or doe not come to take possession thereof I giue then the sayd farme bought of mr George Corwinne as aforesayd, vnto my daughter Ruth: Inioyning her to pay as a legacy vnto my || daughter || Rebecca, thirty pounds, & in case my daughter Ruth: shal by gods providence, be disposed of in marriage, the profit of the sayd farme shal be hers, vntil, my son John shal take possession as aforesayd: the legacyes beinge payd, both the w<sup>ch</sup> foresayd legacyes

Will\* of Tho. Antrum, deceased, which was presented to the last Ipswich court, was proved and the inventory accepted.

Town of Salem, being presented three times for divers defects in their highways, was fined for each presentment, and ordered to repair said ways before the next Salem court.

Nicolas Dekaine's presentment for living from his wife divers years, was respitted until the next Salem court.

Fined by Major William Hathorne:—

Osmand Traske, 1: 1: 1662, for striking Frances Kedwell.

Goodman Pinnion's wife, 14: 1: 1662, for striking Charles Phillips' wife.

ar to be payd vpon the entry vpon the farme. Item I constitute & apoynt Beatrice my wife to be sole executrix of this my last wil and testament. Item: I Constitute, and appoynt my lovinge Freinde mr John Croade ouerseer of this my last wil and testament." Willyam (his mark) Cantebery.‡ Wit: John Porter, sr.,† and Nathaniel Felton.†

Inventory, taken June 25, 1663, by Thomas Gardner, sr.,† and Nathaniel Felton:† A farme wth. appurtenances, 220li.; his dwellinge house with land adjoynge, 60li.; a house & orchard, 20li.; 7 oxen, 49li.; 6 Cowes, 27li.; 2 heifers, 7li. 10s.; 3 yearlings & 3 calves, 9li.; 8 bigger swine, 10li.; 3 lesser swine, 1li. 4s.; 1 horse, 10li.; 1 mare & yearlinge Colt, 15li.; 9 smal piggs, 1li. 7s.; 1 feather bed, 3li.; 1 Rug, 1li. 10s.; 1 boulder, 3 blankets, 2 pillows, 2li. 10s.; a payre of sheets & 2 table cloths, 1li. 6s.; 3 payre of sheets, 1li. 10s.; 5 Course pillow beares, 6s.; 1 old flock bed, 10s.; 1 old Rug & 3 blankets, 2li. 10s.; 1 brass kete & a brasse skillet, 1li. 5s.; 2 Iron potts & 1 iron kete, 2li. 5s.; 1 hake, 2 payre of pot hooks & a gridiron, 10s.; a bedstead wth. old curtaynes & vallons, 1li., In Peauter & lattin ware, 8s.; 1 chest, 2 old coffers, 10s.; 1 table & 2 chayres, 12s.; 1 musket, 2 swords & bandeleirs, 1li.; 1 saddle & pillyon & a pannel, 1li. 10s.; 3 payles & 6 trayes, 10s.; Indian Corne, 1li. 10s.; In Bacon, 3li. 5s.; Iron chaynes & plow tacklings, 2li.; his waringe Apparel, 5li.; In mony, 1li.; In old lumber, 1li.; Corne growinge, 4li.; total, 470li. 8s. Creditor: By Tho. Robins, 17li. 10s.; Richard Hutton, 2li. 5s.; widd. Flint, 2li. 16s.; total, 22li. 11s. Debtor: To Mr. George Corwinne, 11li. 11s. 8d.; Mr. Price, 1li. 9s. 2d.; Mr. Browne, 30li.; Mr. Gardiner, 1li. 2s.; John Marsh, 1li. 9s. 10d.; Francis Lawes, 3s.; rent of the farme, 20li.

\*Will of Thomas (his mark) Antrum, witnessed by Thomas Spooner† and William Woodcocke,† and inventory taken by Elias Stileman† and John Rucke†.

† Autograph.

‡ Seal.

Tho. Nore, 3:2:1663, for striking Gregory Castle. The fine to be made good by Ambros Gale.

Clement Hudly, 8:2:1663, for breach of the peace and for swearing. Ambross Gale to make this good.\*

COURT HELD AT IPSWICH, SEPT. 29, 1663.

Judges: Mr. Symon Bradstreet, Mr. Samuell Symonds, Major Genll. Dennison and Major Will. Hathorne.

Jury of trials: Sergt. Rich. Jacob, Jo. Prockter, sr., Walter Roper, Henry Bennett, Jo. Andrew, Abra. Tappen, Jo. Knight, Will. Chandlour, Tho. Teny, Jam. Bayley, Jam. Barker and Dan. Hovey.

Grand jury: Mr. Dan. Epps, James How, Ed. Lomasse, And. Hodges, John Ayres, Will. Moody, John Chenye, Antho. Sumerby, Jo. Pickard, John Johnson, Will. Boynton and Edward Towne.

John Godfry, attorney to John Johnson v. Peeter Nash. For not levying and returning an execution according to law. Verdict for plaintiff. †

\*Wm. Hathorne, † also on 30:1:1663, ordered Mr. Bond of Marblehead to appear at next Salem court for selling strong waters by small measure, and bound Bond and Stocker of Rumbley marsh in 20li. each. "I conceive it necessary that the Court order a Prison to be built at Salem, the want being much troble & charge to us & to the County, if not fin."

†Copies of evidence remaining with Daniel Denison, † Sept. 28, 1663:

Peter Nash's bond for appearance at Ipswich court upon complaint of John Johnson concerning two executions that said Nash served, as deputy to John Johnson, upon Goodman Clark's goods. Wit: Richard Littlehale and Edward Clarke. This bill was assigned by said Johnson to John Godfry. Wit: Henry Palmer.

Letter of attorney, dated July 7, 1663, from John Johnson of Haveril to John Godfrey of Ipswich. Wit: Richard Littlehale and William White. Acknowledged before Daniel Denison. †

Copy of court record of July 17, 1662, John Godfrey v. Edward Clarke. Debt. Verdict for plaintiff.

John Johnson, constable, testified that in the year 1662, he made Peter Nash his deputy to serve four executions for John Godfry upon Goodman Clarke. Sworn, July 16, 1663, before Daniel Denison. †

Warrant to Peter Nash, dated Aug. 18, 1663, signed by Richard Littlehale, † for the court.

† Autograph.

William Pritchett v. John Godfry. For not saving him from damage by quiet possession and enjoyment of a mortgage of house and land he bought of him. Verdict for plaintiff.\*

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\*Writ, dated Sept. 22, 1663, signed by Robert Lord,† for the court, and served by Thomas Kimball,† deputy for Robert Lord,† marshal.

Mortgage deed, dated Feb. 17, 1658, Francis (his mark) Ursellton of Topsfield, for 59li. 4s. 8d., sold to John Godfry of Andover, his dwelling house and land in Topsfield, which he bought of Daniell Clarke, containing twenty-six acres, bounded by a ledge of rocks on the north, Mr. Baker's meadow on the west, a brook coming out of Mr. Baker's meadow on the south and by a brook coming out of the pond on the east; mortgage to be paid in four years in Indian corn and wheat, at the dwelling house of Philip Fowler in Ipswich. Wit: Robert Lord and Philip (his mark) Fowler. Acknowledged, Feb. 17, 1658, before Daniell Denison. Copy made by Robert Lord,† cleric.

Copies of John Godfry's mortgage to Francis Ursellton, dated Nov. 30, 1659, adding two more year's time for payment of same, and said Godfry's assignment of mortgage to William Pritchett of Ipswich, dated Nov. 16, 1660, made by Robert Lord,† cleric.

Copy of Salem court record of 30:4:1663 of the action of Mr. Edmond Batter v. William Pritchett, made by Hillyard Veren,† cleric.

John How, aged about twenty-three years, deposed that being sent for at the house of Will. Pritchett, he was told that he was wanted in a matter of a writing that Godfry had made, which was in the hands of Mr. Batter or Nathaniel Putman, lengthening the mortgage two years. Said Pritchett told Godfry that he was afraid there would be trouble about it, whereupon the latter took Pritchett by the hand and told him, before William Danfort, deponent and the rest of the family, that he would bear him harmless from any man who would molest him. Deponent heard Godfry promise that he would come down last March, with two or three neighbors, and give said Pritchett possession. Sworn in court.

John Pritchett, aged about eighteen years, deposed that his father asked John Godfry why he was not as good as his word, and he replied that he had been persuaded to the contrary by Antony Carill. Sworn in court.

Philip Fowler deposed that he acted for John Godfry, and told William Pritchett that the mortgage was lengthened two years, when the writing was drawn at Goodman Lord's, and he would have to take the mortgage as it was. Then they agreed. Sworn in court.

On the reverse of foregoing paper: "To Heere Loueing and

† Autograph.

Mr. Jonathan Wade v. Thomas Kimball. For taking 11li. 18s. out of the custody of the law. Verdict for plaintiff, damages to be paid in fish, money, corn or cattle.\*

Robert Crose v. Thomas Varney, Jo. Marshall, Edmond Marshall and William Warrener. Trespass. For mowing grass on his marsh, after being forewarned. Verdict for defendants.†

Kind Brother Robert Crosse Att the Towne of Ipswich in new England Deliver this I pray."

Anthony Carrall deposed that being at William Prichet's house at work, the latter asked him how much he paid for the rent of that land and he told him twelve pounds for three years. Prichett said he was with Mr. Batter and offered him six pounds down in wheat or pork, and Goodman Prichett believed that would be better for him. Sworn in court.

William Danfort, aged about twenty-two years, deposed. Sworn in court.

\*Writ: Mr. Jonathan Wade v. Thomas Kimball; for taking money and goods of Stephen Graffam, which were under attachment to answer a judgment Mr. Wade obtained against said Graffam; dated July 6, 1663; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich, by attachment of land of defendant.

Copy of writ and return dated Mar. 2 and 3, 1662, in action of Mr. Jonathan Wade v. Stephen Graffam, made by Robert Lord,‡ marshal.

Copy of record of the Ipswich court, Mar. 31, 1663, in foregoing action, made by Robert Lord,‡ cleric.

Copy of record of the Salem court, 30:4: 1663, in which Steeven Graffam forfeited his bond for appearance to answer a complaint for committing fornication, made by Hillyard Veren,‡ cleric.

†Writ: Robert Crose v. Thomas Burnam, John Marshall, William Warrener, Thomas Varney and Edmond Marshall; trespass; dated Sept. 21, 1663; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich, by attachment of a horse at John Marshall's, two hogs of Will. Wariner's and a parcel of wheat and hay of Tho. Varney's.

Copies of depositions of Nicholas Marble, John West, John Burnam and James Fourd, taken in Ipswich court, Sept. 30, 1662, made by Robert Lord,‡ cleric.

Copy of deposition of Corpll. Thomas Burnam and Corpll. John Gage, sworn before Daniell Denison, Sept. 29, 1662, made by Robert Lord,‡ cleric.

"Alsoe all my || pcell of || Salt marsh lying below John Burnams as it lyeth bounded by Hogg Island River, toward the north, the

‡Autograph.;

marsh of Robert Crosse toward the east, the marsh of Richard Brabrooke & John Burnam towards the southeast & southwest.\* Copy of the bounds of the marsh that William Whittered sold to John Perkins, taken from the deed as it is recorded in the book of records, by Robert Lord, recorder. Copy of that copy left on file in Salem court records, made by Hillyard Veren,† cleric.

Copy from Ipswich town book, made by Robert Lord,† recorder: "At the Generall Towne meet. feb: 16 : 1663 voted and Granted to Mr. Cobbit a pcell of common marsh Lying beyond Chebacho River below the marsh of Robert Crose and Richard Brabrooke to the River, which is also satticefaction for m<sup>r</sup> saltonstalls Highway through the Farme."

John Burnam and John Marshall deposed that as they were in Chobocoe on the south side of the river below the meadow of Thomas Burnam and John Burnam, Robert Cros was troubled at it, but later owned the bounds of the Burnam's meadow according to line from the salt pond near the upland to a pine tree, and the meadow below to the river, he owned to be common. Also that before another year, said Crose would have it divided, one third each to himself, John Burnam and John Marshal, that there might be no more difference in one mowing before another. Sworn in court.

William Whitred, aged sixty-five years, deposed that having occasion to go down with the lot layers, into the marshes by Goodman Crose's where his marshes were on June 15, 1663, they first came to the house of Goodman Crose, and after some little stay in the house, Goodman Lord, Corporall John Gayge and others present went down into the marsh by a salt pond side, when Goodman Crose said: "I pray you y<sup>t</sup> are the lot layers: to tell me onese more where the head bowndes of my marsh is y<sup>t</sup> I may be onese at a sertentie." To this Goodman Gayge replied "I knowe no bowndes it hath but the river." Goodman Crosse turning to Goodman Lord said "What saye you to this," and the latter readily answered that he had nothing to say against it for it was true. Then they all went to take notice of the marshes on the westward side of Nickleses creek. Sworn in court.

Jams Forde deposed concerning the bounds. Sworn in court.

Edmand Marshall, jr., deposed. His brother John Marshall mentioned. Sworn in court.

William Nellsonn deposed that "I Coming From the Towne ward with my Father & the Lot Layers namely Corprall John Gayge & goodman Lord: to my Father in lawes: house at the farme, etc., they went to the marsh," etc. Sworn in court.

Steven Crosse, aged about sixteen and one-half years, deposed that he was with his father, Robert Crosse, sr., etc. Sworn in court.

\*A plan of this lot is on file.

† Autograph.

John Roffe v. Mr. Henry Greenland. For coming into the house of said Roffe in the night season, Roffe being not at home and attempting his wife's chastity in a foul manner. Verdict for plaintiff.\*

Robert Crosse, aged above twenty-one years, deposed that he was at home when his father with the lot layers, etc. Sworn in court.

Robt. Crosse, jr., and Steeven Crosse deposed that they had lived with their father at the farm fourteen years the nineteenth of March next, and had never before seen any trouble about the marsh. That they had enjoyed the part of Thomas Burnomes lot, which was the last parcel their father bought, for twelve years. Sworn in court.

Andrewe Jarvis, aged forty-two years, deposed that he was at the house of Goodman Nellson, etc. Sworn in court.

John Burnam deposed that the lands he sold to Robert Crosse came no lower than a stake that stood above Robert's Island, a little below the upland and from that stake to a pine tree. Sworn in Ipswich court, Sept. 30, 1662, and copy made by Robert Lord, † cleric.

William Waranar deposed that Robar[t] Cros, etc. Sworn in court.

\*John Rof's bill of cost, 1li. 15s. 11d.

Writ, dated June 26, 1663, signed by Anthony Somerby, † for the court, and served by Steven Grenleff, † constable.

"John Bishop's wife comeing unto us being selectmen by way of complaint against one m<sup>r</sup> Greenland, a phisition which is newly come into our Towne, for offering violent and uncivell cariage unto hir daughter mary Roffe the wife of John Roffe, which is gone vnto nantuckett, and we haveing examined the woman we find from her testimony, that this m<sup>r</sup> Greenland have offered grosse and shamfull abuse vnto her, The first time the woman being at John Emeryes house where this man soiornes, had ocation to lay hir on the bed to sleepe and lay downe by it; this Mr. Greenland came up into the chamber and offered to abuse hir there.

"The second time this man came unto his house and used many arguments to hir tending to wickedness, first that he would have hir goe with him to nevis, or Jemeco, or some other place, and that it was free that men might have many wives, she answered then shee should sinn ags<sup>t</sup> God, and abuse hir husband & hir selfe and his wife, he answered he had meanes enough, he could maintain them both, another time being att John Emeryes house, and when she was to come home she was afraide he would come after hir, and as she thought slipt out of the house, and he came after hir,

†Autograph.



and overtooke hir & would goe home with hir, and then she could not gett him away, although she spoke to him and then she spake vnto hir uncle liveing in the house that he would not goe to bed before he was gone, and would not warme his bed, the ould man sayd it was time for all to goe to bed, he sayd he would stay till the morning but the ould man should be a bed before he would goe, but by much pswading he did, another time worse than the former, m<sup>r</sup> Greenland came to her house, late in the night and knocked at the window, shee being in feare mad noe answere along time he continued calling bettye bettye, and desired her to lett him come in and asked why she would let him stand there and starve with could, she answered they weare abed and would not lett him in, and weare afraide of him, then he still earnestly desired hir wishing great wishes upon himsele that he would doe them noe hirt, but desired to smoke a pipe of tobacco; soe she lett him in (this bettye is John Emeryes wives daughter which keepest with John Roffes wife), soe goody Roffe being in hir bed spoke to the mayd to make a fire to give some light, and while the mayd was making of a fire . . . she swounded away, and as the mayd saide was dead & very could, and gave hir some strong liquours to comfort hir.

“att last, she came to hir selfe againe . . . he bid hir lye still for there was one without knocked at the dore and now there would be two witnesses, and now we shall be tryed for our lives . . . but the youth that was at the dore, came in . . . and sayd he heard m<sup>r</sup> Greenlands tongue before he came in while he was at the dore.” Mary Roffe and Elizabeth Webster testified to the foregoing, Jan. 24, 1662, before Daniell Denison. Copy made, Sept. 25, 1663, by Robert Lord,\* cleric.

John Rolfe, jr., † of Newbury, on June 20, 1663, appointed Hugh March of Newbury his attorney to prosecute against Mr. Henry Greenland and John Emery, sr. Wit: Henry Jaques\* and Richard Dole.\*

Grenland sent Betie to Mary Rolfe to meet him in the barn and asked her to mitigate her charges, saying that if she would do so, he would bring no evidence against her. “I tould him I could not Do it I Could not goe bac from anie thing I had said he asked me why I said it being nothing but the truth and given upon oath: he said I might because it was not sworn before the bench and yet he would leve it upon my Consideration and meet him and give him an answer: but I would not meet him but sent him word the next day I Could not for I would not goe from what I had said nor meet him anie more.”

Copy of deposition of Barbery Elsly, taken in Ipswich court, Mar. 31, 1663, made by Robert Lord,\* cleric.

Copy of deposition of Hanah Noyse, taken in Ipswich court, Mar. 31, 1663, made by Robert Lord,\* cleric.

\* Autograph.

† Autograph and seal.

John Newman v. William Whittred. Debt. For a cow. Verdict for plaintiff.\*

John Newman v. Willm. Whittred. For alienating and selling a cow without his consent. Verdict for defendant.

Peeter Nash v. Lt. John Remington. Withdrawn.

Peter Cheney of Newbery, aged about twenty-five years, deposed that Mary Rofe, wife of John Rofe, late of Newbery, told him that one evening the last winter John Adkins came to her house; that said Mary and Elizabeth Webster were together in the house and said Adkins tarried there until very late, so that Mary and Elizabeth went to bed, etc. Sworn in court.

Walter Barefoote and Richard Shatswell deposed that when Mary Rofe was going to take her oath in court, Hugh March asked her to tell what Henry Lessonby said before in court. Sworn in court.

Thomas Silver deposed that a day or two before he heard of the uncivil behavior of Mr. Greenland toward Mary Rolfe reported about the town, Goody Bishop, being at Mary Rolf's was very angry with deponent for reporting that Mary Rolf entertained company that was to his disturbance. She further said that he might have taken an axe and knocked one of her cows in the head as to take away her daughter's good name. Goodman Emery, sr., came in also and spoke in commendation of Mary Rolfe and said that for his part he knew no hurt by her and threatened to present deponent as an eavesdropper for reporting such a thing of her. Deponent answered that he reported nothing but what he heard in his own house.

Copy of deposition of Henry Lesenby, taken in Ipswich court, Mar. 31, 1663, made by Robert Lord, † cleric.

\*Bond of William (his mark) Whitred of Ipswich, dated Oct. 22, 1663, to pay to John Newman thirty shillings for the hire of two cows for one year from Oct. 22, the pay to be in Indian corn, said William Whitred to stand to half the hazard. Wit: Robert Lord † and Mary Lord †.

Gilles Burdley † deposed that John Newman called him into his yard to witness the sale of a brown cow for five pounds to William Whittred, who took her away with him. Owned in court by William Whitred.

Jon. Wade's bill of costs, 1li. 7s., and Jo. Newman's bill of costs, 1li. 7s. 6d.

Jaine Lanckton and Roger Lanckton testified that Whittred and Newman came to their house, etc. Owned in court by William Whittred.

†Autograph.

Frances Wainwright v. Henry Bachelour. Debt. Verdict for plaintiff.\*

Mr. Anthony Crosby v. Abraham Redington. Trespass. Nonsuited. By consent there was a new entry which was withdrawn.

Roger Lanekton testified that he read a bill of John Newman's which he had of John Perkins amounting to fourteen pounds which William Whittered owed John Newman, etc. Sworn in court.

Agreement between William (his mark) Whitredg and John (his mark) Newman, dated Oct. 8, 1659, said Whitredg was to deliver to said Newman two cows, one fat and one milch, in exchange for two heifers three years old, and thirty shillings in wheat or barley. Wit: Haniell Bosworth.†

\*Writ, dated Sept. 23, 1663, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal, by attachment of three cows of defendant.

Account, dated June 28, 1661, of Francis Wainwright† against Henry Bachelour: To 5C. of hob nails at 4 1-2d. & 4C. of bd nails at 9d., 4s. 10 1-2d.; 4C. lath nails at 4d. & 1 pr. hose 22d., 3s. 2d.; 1 lardg olcumay Spooone, 7d.; 1 bushel wheat, 5s., & 1 Bush mault, 5s., 10s.; 1 pecke of indian Corne, 9d.; 1 sith, 4s. 3d. & 1li. powder, 2/8, 6s. 3d.; tobacco pipes, 2d. & 1li. tobacco, 12d., 1s. 2d.; 4li. of Sugar at 8d., 2s. 8d.; 2li. rasons sunn at 22d., 1s. 10d.; 3li. shot at 4d. & 2 pots, 12d. & 4li. sugar at 6d., 4s.; a noate to Goodman Stacy for a bushel mault, 5s. 6d.; 1 bushel indian Corne 3/6, 3s. 6d.; 2li. sugar of my wife, 12d. & 2li. ditto, 2s.; taken to the miller for a bushel wheat, 5s. 6d.; 3li. sugar at 6d. & 2li. ditto at 6d., 2s. 6d.; needles, 2d. & 1 pr. hose 3/8 4d., 3s. 6d.; 2 p. shoos of Wm. Buckley, 10s. 6d.; 2li. sugar at 6d. & 1 pr. hose 2/4, 3s. 4d.; 4li. sugar at 6d. & 2li. ditto at 6d., 3s.; thride, 1s.

On Jan. 7, 1661: To 6 yds. Carsy at 6/8 & 3 doz. buttons at 12d., 2li. 1s.; silke, 15d. & thrid, 8d. & 2li. sugar at 6d., 2s. 11d.; 5 yds. 1-4 1-8 shagg at 4/4, 1li. 3s. 3 1-2 d.; 1 pr. hose, 5s. 4d. & bindinge, 5d. & 1li. powder, 7s. 9d.; payment to Jon. Layton for you, 3s.; thride, 7d. & 1li. sugar, 6d. & 1 yd. 1-4 say at 5s. 6d., 7s. 1 1-2 d.; layinge lace & silke rod, 1s. 8d.; 4li. sope, 2s. & 1 knife, 9d., 2s. 9d.; 8 yds. lockerum at 2s. & 7li. sugar at 6d., 19s. 6d.; 4 yds. layinge lace at 6d. & silke, 6d., 2s. 6d.; 10li. sugar at 6d., 5s.; starch, 2d. 1-2 & 6li. sugar at 6d. 1-2, 3s. 5 1-2d.; Nov. 27, 1662, 1li. gunpowder, 2s. to yourselfe, 2s.; total, 9s. 18s. 5d.; to payment to Mr. Jon. Paine, 1li. 4s. Henry Bacheler, creditor, Dec. 12, 1661, to 192li. porke at 4d., 3li. 4s.; 21li. 3-4 porke at 4d., 7s. 3d.; returne of 4 yds. laying lace, 2s.; total, 3li. 13s. 3d. Rest to balance, 6li. 5s. 2d. and 1li. 4s. for Mr. John Paine. Sworn in court, and owned by Henry Bachelour.

† Autograph.

John Tod v. Thomas Bloomfield. Debt. Verdict for plaintiff.\*

Robert Crose v. John Marshall. Withdrawn.

Thomas Parson v. Henry Lampree. Debt. Verdict for plaintiff.

Mr. Symon Bradstreet v. Thomas Broughton and Lift. Richard Cooke. Non-performance of a covenant. Verdict for plaintiff.†

Mr. Symon Bradstreet v. Isaack Coussens, Thomas Stanbery & Richard Croad. Debt. Thomas Stanbery acknowledged judgment to Mr. Symon Bradstreet.

Mr. Symon Bradstreet, attorney to Mr. William Guy of London v. Daniell King, sr., and Daniell King, jr. Debt. For the produce and profit of 40 or 50li. of goods in England, with ten years' forbearance. Verdict for plaintiff.‡

\*Writ: Mr. John Tood v. Thomas Blumfield; debt, for a parcel of canvas for the use of Jonathan Singletary; dated Sept. 22, 1663; signed by Richard Littlehale,§ for the court; and served by Robert Lord,§ marshal of Ipswich.

John Tod's bill of cost, 1li. 1s. 4d.

†Whereas there were 40,000 feet of good pine boards due to Simon Bradstreete from Thomas Broughton§ and Richard Cooke§ of Boston, and a certain quantity of boards belonging to the latter in Paskataqua river, under attachment, said Broughton and Cooke agreed with Simon Bradstreete, Aug. 13, 1659, to ship the 40,000 boards in the good ship Black Lyon, Mr. Webber, master, now in said river or on the way thither to be transported to the Barbadoes, one half for said Simon and the other half for the freight, the pay to be in sugar. The boards were to be delivered to Mr. Will. Rosewell at the Barbadoes and to Mr. Elias Stileman at the Paskataqua river. Wit: Tho. Clarke.§

On the reverse of the foregoing paper: "m<sup>r</sup> Stileman's Testimony and a Copy of my further orders to him are at Dorchester, another order at home."

Richard Walderne§ certified, 16 : 7 : 1663, that in the year 1659 he desired to buy of Mr. Brodstreete 40,000 feet of boards at Pascatway river, but he was not willing, and would rather have them shipped to Barbados. Walderne agreed to ship one half, he then having a ship to load, and to pay 50li. for the other half, but Bradstreete said he had agreed with Mr. Stileman to ship them, and could do nothing until he heard from him.

‡"From Linn in New England

"Desemb<sup>r</sup> The 28th 1660

"Loueing Cuszen After Respeckts presented these are to Lett you understand that yours wee have Received Returning you

§Autograph.

William Symons acknowledged judgment to Henry Archer.  
Peeter Nash acknowledged judgment to Tho. Kimball.

Manny thanks for your patiente Lines But beeing Much Troubled that wee yet Cannot Answer your Ends According to your expectations Many ways wee have tryed By Barbadoes By Bills of Exchange & By getting of Bever for you But as yet cannot procure anny of them But By the next Shepping I hoape wee shall find out some way or other whereby you shall have sattisfacktion my sonn Ralph & my sonn Blaenny Douth Intend if pleas god the Live & doe well to Com for England soe hoaping that you will be pleased to old one mitt of patience — to your Abondane which you have had soe Resting & Remaining your

“Ever Loveing Ante Tell Death

“Elizabeth King.”\*

“Memorandum, this 6th May 1653. That I Danell Kinge of Becomfeld in the County of Buckes being bound for New England have Rec: of my Cosen William Guy A pareell of goods amounting to the valew of Fortey Five pounds, Fourtene shillings Nine pence starling mony, which goods I have Rec. upon the account of Guy as an Adventure by him promising to doe my outmost indevor for the sale of the aforesaid goods and to make him returns by Christmas next if they safely arrive in the Harbor of Boston in New England they being now Shipt aboard in the Nue England marchant, to which pray God blesse the Good ship to the appointed Harbor. Daniell King.” Wit: Jno. Wyatt, David Sindry and Digerey Carwithen, master. Copy made in 1658 by Fredk. Remess,\* notary public.

“Bostown, this : 14 : of August 1658

“These presents Wittnes that I Daniell King of Lin sener doe acknowledge that Cap<sup>t</sup> Jno. Peirce Comander of the ship Exchang hath bene with mee and demanded of mee a debt of aboutt forty five pounds which my sone Daniell did Receive in goods of m<sup>r</sup> Wm. guy of London: haberdasher; and my Answer is that my Sone Daniell is gone to barbados and hath caried with him: goods in order to the making the Retturne: much more, then I can Judge will Ballans that acc<sup>s</sup> And I hope either by this time or very sudenly hee will Returne a satisfactory acc<sup>s</sup>: this is all I have to Answer att Present.” Daniell King.\* Wit: Lancelot Fletcher\* and Ephraim Turnor.\* On the reverse: “For: Cap<sup>t</sup> Jn<sup>o</sup> Peirce Comandor of The Shipe: Exchange These.”

“London the 8th of April 1663

“Wee whose names are heere underwritten beeing at this time servants (to M<sup>r</sup> Richard Bates) With Will. Guy, Daniell Kinge

\* Autograph.

John Calie of Newbury dying intestate, administration of the estate was granted to John Calie, his son.

John Trimman of Newbury was dismissed from ordinary trainings.

Mr. John Ruck was allowed to keep ordinary for one year and to draw wine.

Upon a motion made by Mr. Carlton, guardian to Patience Jewett, that the court would be pleased to chose some men to make a division of some land between himself and said Patience, which now lay together, Ezekieil Northend and John Tod were named, and the court approved.

Court ordered the Treasurer of the county to pay 40s. to the constable of Ipswich for his charges in repairing the old bridge.

Robert Roberds dying intestate, Susan Roberts, the widow, was appointed administratrix of his estate. Inventory\* amounting to 160li. was brought in and there were eight children left. Court ordered that John Roberds, the eldest son, should have 12li., and the other children 6li. each, at age or marriage. If the widow should marry again, court ordered that the other children should have 10li. each instead of 6li., and her husband was to give security.

Junior beeing bound for new England Came to Visit his Kinsman Guy & Uppon discourse concerninge y<sup>e</sup> Cuntry trade Guy profered to Adventure some goods by him, hee presently tould him what comoditis would bee best for y<sup>e</sup> place, and turne to y<sup>e</sup> best Accompt, as hee verrily beveled, Uppon which without any more A dooe, there was a note drawne by Kings order, what goods hee would have, w<sup>ch</sup> were accordingly bought, & packt Upp & delivered to y<sup>e</sup> said Kinge to his good likinge, and || there was || such seeminge honesty || & Honest || Expressions || by y<sup>e</sup> said Kinge || y<sup>t</sup> hee would mak returne y<sup>e</sup> next shippinge in ould Beaver or Bever (Guy beeing to stand to all Hassard by sea y<sup>e</sup> goods were shipt in Cap Kirwithies vessell) y<sup>t</sup> oure Maister M<sup>r</sup> Bates had so good an opinion of his honesty y<sup>t</sup> hee would have given him credit to above as mvch more And for y<sup>e</sup> goods wee saw them & knew what they cost and doe verrilie believe there was not one penny got by them Havinge often heard Guy say (wee askinge him what hee ment to sell such goods as he bought w<sup>th</sup> redy mony they beeing as fresh as could possibly bee had) hee Answered the profit would be by y<sup>e</sup> returnes." John Wyatt† and Da. Syndry.†

\*Inventory of the estate of Robert Roberts of Ipswich lately deceased, taken July 20, 1663 by Regnald Foster, sr.,† Tho. Clarke† and Thomas Knoulton:† Dwelling house and barn, 20li.; cart &

† Autograph.

Complaint being made by the selectmen of Ipswich that Isaack Ong had not removed from town after being warned, court ordered that he depart whence he came.

John Whipple, having brought in an inventory of the estate of Mathew Whipple, amounting to 175li., court ordered two parts to said John Whipple and one part to Joseph Whipple, his brother.

Symon Tuttle, presented for a rescue of his horse from Mighill Cresie, was fined, and ordered to pay fees to John Pinder, Aron Pengry and Henry Ossborne.\*

Mary Longly having been complained of, court ordered further examination to be referred to Salem court and the witnesses to be present face to face.

Philip Veren, for his great offence against the country in slandering the government, was ordered to be severely whipped.†

wheeles & plough with the furniture to them, 5li. 5s.; 2 oxen, 13li. 10s., 4 Cowes, 16li., 2 steers, 8li., 3 Calves, 1li. 16s., 39li. 6s.; 10 acres of land at Chebacco, upland & meddow, 20li.; 11 swine and tenn piggs, 16li. 6s. 8d.; halfe a mare & half a horse, 9li.; a sheep fold, 2li.; 4 Ews, 4 lambs, a Ram and a wether, 4li. 6s.; ground improved, 5li.; 3 Canows, 5li.; a bed and Covelett, 5li. 10s.; a bed and Coverlets & pillows, and bolster, 6li. 12s.; 2 blanketts, 3 pillows, 1li. 12s. 6d.; a bed & Bolster, 2li. 10s.; Indean Corne, 6li.; Bacon & Porke, 1li. 10s.; his aperrall, 5li.; fethers, 18s.; wooll, 1li. 2s.; Bedsteds, 2li. 16s.; a Cubberd, 10s.; Chest, 3 boxes, a Case of Bottells, 1li. 6s.; Sheetes & pillow beers, 5li. 2s.; pewter & warminge pan, 2li.; pots, kettell, skilletts, fier souell & tongus, 2li. 8s.; a table, 5s., Chaiers, 5s., wheels, 5s., a Cradle, 5s., 1li.; a Iron pott, 6s.; milke vessells, tubbs & other nessessarys, 2li.; Bettle, wedges, axes & hows, 1li. 8s.; Instruments for his trade, 1li.; 3 bushels of malt, 18s.; post & Rayles, 7s.; pouder & shott, 12s. 6d.; 2 pare of sheres, 2s.; due to me from divers debtors, 4li.; total, 181li. 11s. 8d.

\*Aaron Pengry deposed that Goodman Cressy, heading Mr. Tuttle's horse out of the common field when he was without the common gate with him, Mr. Tuttle went hastily up to him and struck the horse with a short stick two or three blows, making the horse start out of his hand and run away. Sworn in court.

Symon Tuttle confessed that said Cresie told him he was driving the horse to pound.

†Jo. Kitchen and Nath. Felton were bound for Phillip Verrin's appearance at the next Ipswich court to answer for seditious and treasonable words against the government, in saying that they had murdered the dear saints and servants of God and that he himself saw one of them murdered at Boston.

‡Autograph.

William Gardner, fisherman, dying intestate, his brother — Gardner and Mr. Edmond Batter were appointed administrators of his estate, and ordered to bring in an inventory to the next Salem court.

Henry Bachelour, presented for absenting himself from public meeting on Lord's days was fined. Part of the fine respitted.

James Merriek of Newbury, presented for being drunk, was fined, and ordered to pay fees to Mr. Thomas and John Chenye.

Richard Kimball and Edmond Bridges, executors of the will of Thomas Scott, brought acquittances under the hands of the legatees, that is, the children of said Scott, of the receipts of their several legacies. Said executors were discharged.\*

Court allowed fifty pounds to build a prison at Salem out of the lands already seized, which were the Quaker's lands.

Mr. Baker was allowed six shillings, six pence for diet for John Pearce and a prisoner, it being to carry him by warrant from a magistrate to Boston.

Upon a receipt from the treasurer, Mr. Robert Paine of satisfaction for Mr. Henry Greenland's fine, the latter with his sureties were discharged of their bond.

\*Richard (his mark) Kimball and Edman Bridges,† on May 10, 1661, acknowledged the receipt from Mr. Ezekell Rogers of 25li. the legacy given to Sarah Scott by her father. Wit: Tho. Lovell† and William Goodhue†.

William (his mark) Whittredg of Ipswich, Nov. 5, 1655, hired of Richard (his mark) Kimball, sr., two steers, for which he was to pay twenty-five shillings the first year and thirty shillings the next three years in Indian corn and wheat. Wit: Haniell Bosworth.†

Deed, dated May 25, 1654, Thomas Scott‡ of Stampford, in the jurisdiction of New Haven, to Richard Kemball, sr., and Edmond Bridges, executors of the estate of his father, Thomas Scott of Ipswich, his house and barn and six acres of land about it, also two acres in the swamp on the other side of the way; also fifteen acres of land in the common field, commonly called the Pequit lots; also thirty-six acres of meadow at the west meadows and ten acres of land and six acres of marsh in the common field on the north side of the river; also 56li. in the hands of John West and 15li. in the hands of Robert Roberds and seven cattle in the hands of Joseph Biggsbye, all of which was the estate of his father Thomas Scott, to be divided according to the will. Wit: Robert Lord† and Thomas Lovell.† Acknowledged, May 27, 1654, before Daniel Denison.†

†Autograph.

‡Autograph and seal.



John Attkinson bound his house and land for his appearance at the next Ipswich court for further examination about his presentment.\*

The complaint of Mary Sheffield was referred to Mr. Symonds and Major Genll. Denison to grant execution of what by order of court was due from Isaiah Wood to said Mary.

Court gave five shillings to the house.

William Nelson went before the Honored Majestrates, Mr. Samuell Symonds and Major Genll. Denison, Nov. 23, 1663, and acknowledged a judgment of ten pounds to Edward Bragg of Ipswich.

William Nelson also acknowledged judgment to Mathew Moores of Newburye.

Tobias Taylour, Dec. 3, 1663, acknowledged judgment to Mr. John Paine of Ipswich, before the magistrates, Mr. Samuell Symonds and Major Genrll. Denison.

#### COURT HELD AT HAMPTON, 13 : 8 : 1663.

Jury of trials: Jno. Severans, foreman; Abra. Pirkins, Wm. Barnes, Sam. Winsley, Nathan Gold, Daniel Ela, Tho. Eaton, Jno. Warrin, Jno. Fulsham, Jno. Brown, Tho. Marston, Natt Boulter, Francis Page and Henry Dow. Lt. Wm. Howard, Mr Crosby, Capt. White, Tho. Davis, Rob. Downer, Henry Palmer, Joseph Davis and Ed. Clarke.

Nathan Gold fined 5s. and was ordered to pay 2s. 6d. and be dismissed from the jury.

Haniell Bosworth† certified, Oct. 1, 1663, that he received 25li. from Richard Kimball and Edmond Bridges, which was a legacy given to his wife Abbigaile by her father, Thomas Scott. Wit: Thomas Lovell, sr.,† and Thomas Lovell, jr.†

Mary (her mark) Scot certified, Apr. 23, 1663, to the receipt of 25li. from Ezek. Rogers, of Ipswich, which was the legacy left her by her father. Wit: Richard Jacob† and Daniel Hovey.†

\*Elisabeth Webster, aged twenty-one years, deposed that when she was at John Rofe's house, about last Feb., 1662, John Adkinson, hatter, living in Newberie, came there and sat talking with Marie Rofe until late in the night. Deponent went to bed and, being awakened, she heard Marie Rolf tell said Adkinson to go away, but he did not go, when it was daylight, he dressed, and not being able to find his stocking, Marie said she must lend him one of her uncle's stockings, which she did. Then said Adkinson went away. Elizabeth Webster affirmed to the truth of the foregoing before Robert Lord,† cleric.

† Autograph.

Edward Colcord v. Jno. Cass. Review of a case tried at Salisbury court in 1659, concerning felling and carrying away timber from the land of plaintiff. Verdict for plaintiff. Appealed to the next Court of Assistants.

Capt. White v. Walter Taylor. Debt. Defendant owned the debt in open court. Verdict for plaintiff.

Jno. Maxfield acknowledged judgment to Tho. Bradbury, sr.

Mr. Jno. Paine, assignee of Capt. Brian Pendleton v. W. Elingham. Debt. Execution granted, Oct. 26, 1663, to be paid in fish.

Jno. Severans v. Henry Fane. Debt. To be paid in fish. Verdict for plaintiff.

Mr. Jno. Wheelwrite v. Phillip Toule. For refusing to deliver him possession of a house and land in Hampton, properly belonging to plaintiff, but to which said Towle pretended a right by virtue of a sale from Mr. Nanney. Withdrawn.

Mr. Christopher Hussi v. Henry Green. Trespass. For fencing in a parcel of land which lay in the west end of his farm, which he formerly bought of said Green, and for not giving deed. Verdict for plaintiff. Appealed to the next Court of Assistants. Henry Green and Anthony Stanian bound.

Mr. Jno. Paine, assignee of Capt. Bryan Pendleton v. Wm. Ellingham. Debt. Defendant refused to answer, his bond not obliging him to do so, therefore there could be no proceeding.

Town of Hampton v. Natt. Boulter. For mowing certain meadows belonging to the town upon Tayler's river at or near a place called Indian graves, and for claiming said meadows adjacent as his own. Verdict for defendant.

Wm. Fifeild v. Henry Green. Trespass. For fencing in his land on the south side of the Falls river, and appropriating it to his own use. Verdict for plaintiff, the land to the Indian path. Appealed to the next Court of Assistants. Henry Green and Abraham Pirkins bound.

Capt. Brian Pendleton v. Mr. John Payne. For withholding a debt of about one hundred pounds, the remainder of 134li. which

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Hester Bond, aged about thirty-three years, and Elizabeth Webster, aged twenty-one years, deposed that Mary Rofe told them to hasten to bed in the chamber and she herself would lodge below. In the morning, Mary Rofe told them that she had been much afflicted by John Adkinson and he had promised never to do so again. Sworn in court.

defendant was requested to receive of the Quoiner in Boston, and to send it to said Pendleton and Mr. George Parris.

Jno. Brown v. Henry Green. Trespass. For mowing his marsh at his farm next Hampton river and for claiming it as his own. Verdict for plaintiff. Defendant appealed to next Court of Assistants. Henry Green and Jno. Samborne bound.

Nat. Boulter v. Benjamin Shaw. Debt. For a sow and two pigs. Withdrawn.

Rob. Swan v. Tho. Davis. For not performing a bargain which he made with plaintiff in selling him one half of his third division of upland, which he promised to do but later refused.

Tho. Marston v. Henry Green. For not standing to a bargain concerning the lease of his grist mill and other accommodations for twenty-one years. Verdict for plaintiff.

Ed. Colcord v. Christopher Pallmer. For using and riding a black horse with a white face from the beginning of June, 1661, until Hampton court, 1662, and for detaining said horse under an attachment and not prosecuting. Verdict for defendant. Court did not accept the verdict, and so it fell to the Court of Assistants.

Ed. Colcord v. Christopher Palmer. Trespass. For taking away a cow of his from his door on the Lord's day in the evening about the beginning of Nov., 1661. Verdict for plaintiff. Execution granted Oct. 22, 1663.\*

Walter Tayler v. Capt. Pall White. Defamation and slander. For reporting that plaintiff had a bastard child by his negro, so that it had caused him to be reproached and derided up and down the country. Withdrawn.

Mr. Cut v. Jno. Garland. Debt. For goods delivered. Withdrawn.

Nicholas Lesson acknowledged judgment to Tho. King, to be paid part in money and the remainder in English goods.

Ed. Colcord, assignee of Will. Ellingham v. Capt. Brian Pendleton. For not making good an arbitration concerning Mr. Willi. Payne, late of Boston, merchant, deceased, according to a bond of 200li. given by said Pendleton. Nonsuited.

Eliakim Wardall's answer for his not coming to the ordinances

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\*Writ, dated 8:8:1663, signed by ———, and served by Abraham Drake, † marshal of Hampton.

† Autograph.

on the Lord's days was that he was an hireling and that it was false worship.

Mr. Christopher Hussie, Sam. Dalton and Thomas Ward were sworn to end small causes for the town of Hampton for the year ensuing.

Wm. Buswell was approved as ensign of the military company of the town of Salisbury.

According to order of the Salisbury court, 14:2:1663, concerning the estate of Willi. Coul, late of Hampton, Tho. Webster, the executor, and the selectmen of the town of Hampton in behalf of widow Coule, rendered their accounts to court to whom it appeared that there had been an equal division of the estate according to the order of Salisbury court, all the debts being paid, except some small remainder of debts, equally by each party, as they shall appear to be due.

Ordered that Daniell Ela have one half the ferry at Haverhill according to his covenant with Willi. Simons and according to the county court order to said Simons about said ferry.

It appeared that the estate of William Coule, late of Hampton, deceased, amounted to 59li. 14s., out of which 18li. 13s. 7d. have been paid in debts. The remainder was ordered to be equally divided between Tho. Webster and the selectmen of Hampton, in behalf of Eunice Coul, widow of said Coule, according to order of the Salisbury county court, 14:2:1663, and there having been paid out of her division 12li., the amount due her was 8li. 10s. 2d. This was to be delivered to the selectmen of Hampton for the widow's use, they to account to the county court of Norfolk.

Eliakim Wardall, for charging the Worshipful Mr. Bradstreet, as he sat upon the bench, in the face of the country, with acting maliciously, as in the sentence of said Wardal's wife at Ipswitch, and further instancing the death of their four friends as he called them, with other reproachful speeches, was ordered to be whipped fifteen stripes at the common whipping place this present afternoon, at the court's coming to the house again.

Eliakim Wardall and Jno. Hussey for their and their wife's absence from the public ordinances for twenty Sabbaths, were fined five pounds. The rest was allowed for that which might necessarily detain them at home.

Old Marston was fined for ten days' absence.

Jno. Cass was chosen and sworn constable of Hampton for the ensuing year.

In the review of Abram Perkins' presentment, the jury found the presentment not legally proved and judgment was reversed.

Ordered that Joseph Merrie shall either pay to Goodman Page five pounds for his charge about his son-in-law, Benjamin Hilliar, and have him, or else the boy was to live out his time with him according to his indenture, and the boy was to be as well clothed as he was when he went to said Page.

Goodman Tuck's license was renewed for the ensuing year.

Capt. White's "neger" constantly owned in court that Tayler was the father of the child, and owned all that Mary Mills testified in her deposition to be true.

Walter Tayler was fined 40s. for commencing a vexatious suit against Capt. White according to law.

To Georg Brown, 15s. for carrying the votes to Boston.

Sam. Winsley was appointed administrator of the estate of Mr. Sam. Winsley, late of Salisbury, deceased and was ordered to satisfy Mrs. Ann Winsley, widow, for her jointer so far as the estate will go, and to give in his account to the next Salisbury court.

James Bruce, presented by the grand jury for being drunk, and the presentment being confessed, was fined.

Court ordered a county rate of 40li. made to defray the county debts.

Court ordered that Mr. Stanian deliver to Joseph Shaw his wife's portion, 13li., before the next Salisbury court, and to have the remainder of the children's portions ready, also to give said Shaw's interest for five pounds of said portion for what time he keeps it after it is due.

Wm. Norman ordered to answer at next Salisbury court to a complaint made against him about taking a false oath.

Allowed to Wm. Fuller, 10s., to the house, 5s., and to widow Wall, 2s. 6d.

#### COURT HELD AT SALEM, 24 : 9 : 1663.

Judges: The Worshipfull Major Denisson, Mr. Symonds and Major Hathorne.

Grand jury: Mr. Walter Price, Jeffery Massey, John Puttnam, Frances Skerry, John Patch, Mr. Moses Maverick, James Moulton,

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Tho (his mark) King's receipt, dated June 14, 1663, to Nathll. Boulter for 24li. besides 18li. in reference to a bill, and on Nov. 23, 1663, for 33li. 8s. Copies of receipts endorsed on the backside of

sr., John Davis, Henry Collens, sr., Nathanll. Kertland, John Peerson and John Mansfeild.

Jury of trials: Mr. John Gardner, Mr. Phillip Cromwell, Joseph Huchesson, Wm. Dodge, sr., Samuell Eborne, George Roapes, John Devorix, Tho. Fisk, Nathall. Hanford, Jonathan Huston, Henry Silsby and John Lewis.

John Brimblecom v. Robert Codner. Concerning the third part of a shallop, valued at 23li., which plaintiff sold said Codner for 10li. in mackerel, and defendant had paid 9li. in part and was to put in security for the rest, which he refused. Withdrawn.

Robert Hooper v. Henry Russell. Battery. Verdict for plaintiff.\*

Frances Johnson, jr., & Co. v. Cristopher Lattamer. For violently cutting off their mooring, when they were moored upon needful occasions. Verdict for plaintiff.†

a covenant of Nathll. Boulter's to Tho. King for the eight part of a saw mill upon the western side of Exiter falls, made by Tho. Bradbury,† rec.

\*Writ, dated Oct. 14, 1663, signed by Francis Johnson,† for the court, and served by Ambrous Gaile,† constable of Marblehead.

Robert Hooper's bill of costs, 1li. 6s.

Philip Beere, aged forty years, testified that on Oct. 13, 1663, being present near the boat of Mr. Russell, which Robert Hooper had hired of Mr. Maverick, there being present Mr. Russell, said Hooper and John Slauther, Russell gave Hooper leave to take out of the shallop what was his. While he was taking out one of the sheets, Russell struck him with his hand or the sail. Sworn, 16 : 9 : 1663, before Wm. Hathorne.†

John Slauther, aged twenty-seven years, deposed that being at Marblehead near a shallop in which he went to sea the fall voyage, Robert Hooper was taking his things out and unloosing the main sheet, Russell told him to leave one there. Hooper replied that they were his, whereupon said Russell, having the bolt rope in his hand, struck said Hooper in the face. Sworn, 16 : 9 : 1663, before Wm. Hathorne.†

†Writ, dated, Nov. 14, 1663, signed by Jonath. Negus,† for the court, and served by Ambrous Gaile,† constable of Marblehead, by attachment of the new frame of defendant.

Fran. Johnson's bill of costs, 1li. 15s. 6d.

Ambross Gayle and Elizabeth Slater deposed that said Gayle being desired by Mr. Latemore to go with him to Richard Reade and Francis Johnson & Co. to bear witness that he would cut their mooring if they would not cast it off, which was fastened to a rock under full sea mark before Mr. Latimor's land, said

† † Autograph.

Richard Rowland, administrator of the widow Smith, deceased v. Christopher Lattamore. Debt. Withdrawn.

Mr. George Emorye v. Matthias Farnsworth and Wm. Dellow. Forfeiture of bond for non-appearance of said Dellow. Verdict for plaintiff. Court chancerys the bond.\*

Latimor told them that unless they would give him a quintal of fish, he would cut it, and because they wished to leave it to arbitration, Latimor forthwith cut it. Sworn in court.

John Slater, sr., testified that Frances Johnson & Co. were forced to go to Boston and were absent two days to bring a mooring anchor after Mr. Latimor had cut their mooring and that they were detained from sea one day more to lay down their mooring anchor. In the meantime many boats loaded with fish. William Lyon testified the same. Sworn in court.

Elizabeth Slater, aged twenty-six years, deposed that Master Letemore, etc. Sworn in court.

William Pitt, † on 25 : 9 : 1663, testified that "abought fyften or sixteene yeers past I bought all the Reight and Interest that John Goyte had in marbelled for house stayge and Land, as by the Records of Salem under the worshipfull the Governer Endicots hand appeereth: And Injoyed it peasably: And about three or fouree yeers past I sould all my Reight & Interest tharof unto my son in lawe Christopher Lattemer, who hath peasably untill this daye Injoyed itt." Sworn in court.

Moses Mavericke † testified, 25 : 9 : 1663, that "being at m<sup>r</sup> Latamors house on some business : m<sup>r</sup> Latamors sonn came into the house: and said Father the Cunstable is come presently m<sup>r</sup> Latamor went out: and I followed to see what the matter was: m<sup>r</sup> Latamor and the Cunstable went to the side of his stage next the sea: and with an axe which he had in his hand gave some strockes to a moreing which I conseived to be the Moreing of Francis Johnson and Company and was fastned to a Rock above Low water Marke on m<sup>r</sup> Lattamors Land and nere his stage: which Land Goodman Goit sold to M<sup>r</sup> Pitts and M<sup>r</sup> Pitts and M<sup>r</sup> Latamore have enioyed to my best remembrance Fivetene yeares or therabout." Sworn in court.

John Codner † testified, 25 : 9 : 1663, that the land, etc. Sworn in court.

Richard Hally testified that their boat brought in on the last second day nearly two hundred of fish and on the third day nearly fourteen score. Sworn in court.

Emanuel Martine testified that they brought in nearly twenty-eight kentals one day and eighteen the next. Sworn in court.

\*Writ, dated Oct. 6, 1663, signed by Hillyard Veren, † for the court, and served by John Bourrill, † constable of Lynn.

† Autograph.

Mordecai Creford v. Capt. Tho. Savage. Review of an action tried at last Salem court for not giving possession of a house and land mortgaged to said Capt. Savage. Verdict for defendant.\*

Mathias (his mark) Farnsworth, Aug. 10, 1663, gave letter of attorney to Edward Richards to act for him in an action between Sammuell Bennitt and William Dellow concerning a judgment against Farnsworth to Mr. Emery, which said Bennitt was engaged to satisfy, or anything that might arise from Thomas Andrews. Wit: John Fuller† and Elizabeth (her mark) Fuller. Edward Richards bound for said Farnsworth's appearance.

\*Writ, dated 16 : 9 : 1663, signed by Hillyard Veren,† for the court, and served by Samuell Archard,† marshal of Salem, by attachment of the house and land of Capt. Savage in which "Mordecai Creford liveth."

Henry Skerry, sr., aged fifty years, deposed that he heard the attorney of Capt. Savage read his attorneyship to Goodwife Creford, and demanded possession, but she refused, upon which he attached the house. Sworn in Salem court, 1 : 5 : 1663, and copy made by Hillyard Veren,† clericus.

Mordica Cravet is Dr., 26 : 10 : 1661, to 2 Bushels of Indian Corne, 3li., 34li. of Cordidgs, 1li. 2s.; 1 Barrel of porke, 4li.; 6 C. of bred at Hawkins, 6li.; 1 Barrel of Beef, 3li.; 71li. of sugar & 3 p. of haling hands, 1li. 13s. 7d.; 29li. of Jemoca tobaco, 1li. 9s.; on 5 : 1 : 1661-2, to 1li. 6 oz. of marleing, 1s. 7d.; 3 Barel of Tarr & 1 1-2 B. pease, 2li. 8s.; 8 Bords, 11s. 4d., & in money, 8s., 19s. 4s.; 1 Barrel of porke, 4li.; 1 Tearce of mallases, 3li.; 9 Bushels of Ind. Corne, 1li. 7s.; 2 Bushels of pease, 8s.; 56li. of beef, 18s. 8d.; 20 hhds. of solte, 18li.; bred from Capt. Oliver's, 1li. 10s.; 5 C. of bred from Tho. Hawkins, 5li.; 1 pipe of wine, 18li.; 2 firkins of soape, 2li.; 2 Grapnels of — at Danill Turell's, 2li. 8s. 6d.; soe much paid John Grifn p. bill, 11s.; 1li. of Rozin at Mr. Peter Oliver's, 18s.; on 3 : 4 : 1662, 1 mackrel lynes & 1 Cod lyne, 4s. 4d.; 1 shollup Road way, 2 C. : 0 : 14li. at 56s. p. C., 5li. 19s.; 1 pype of Goorges wine, 18li.; 3 C. of bred & 1 B. of Tarr, 3li. 14s.; 1 Barrel of porke, 4li.; 1 fliche of bacon, way. 70li., 1li. 15s.; 1 yd. 1-4 of cotton cloth, 4s. 7d.; 1 C. of Lardge nailes, 3li. 3s. 4d.; 2 graplins way. 98li. at 6d. p. li., 2li. 9s.; Robt. Lawrence p. yor. wives ordr., 5li. 6s.; a sithe, Rubstones & a bottell, 6s. 9d.; on 8 : 5 : 1662, To Lawrence White in wt. Callico, 1 1-2 yds., 2s. 6d.; 37li. of Led at 3 1-2d., p. li., 10s. 9d.; 1 pipe of wine, 18li.; 2 Barrels of Rum being 60 Gall. at 4s., 12li.; 1 Casque of molases, 1li. 15s.; 5 C. of bred, 5li. 15s.; 89li. of nevis sugar, 1li. 17s. 1d.; 21li. 3-4 of Tobacco, 1li. 1s. 9d.; Jno. Pell p. order, 2li. 13s. 4d.; so much pd. on for culling fish p. order, 3s.; 110li. of beef dd. by Capt.

† Autograph.



Tho. Phelps v. Nicolas Liscomb and Richard Hanever. Concerning eighteen barrels of mackerel which were taken in the boat,

Jnoson, 1li. 9s. 6d.; 5 1-4 yds. of stuf, 1-4 green saye, 17s. 2d.; total, 170li. 1s. 9d.

Mordica Cravet is Cr., 8 : 5 : 1662, by a preecl. of fish then reed, 86li. 16s. 6d.; 28 : 7 : 1662, a preecl. of fish then reed, 56li. 10s. Acknowledged, June 29, 1663, by Capt. Tho. Savedge, who brought his day book and ledger with him and compared the accounts, before Edward Rawson, comr. Copy made by Hillyard Veren,† clericus. The said Mordecaie and his wife Edith affirmed in Salem court, 25 : 9 : 1663, that the two foregoing credits in fish were paid to Capt. Savig upon account of the mortgage.

Copy of a mortgage deed, without date, Mordecay (his mark) Craford and Judeth (her mark) Creford, his wife, and John Pride, all of Salem, to Capt. Thomas Savage of Boston, one dwelling house and barn, with eighteen acres of land on which the house stands, on a neck of land in Salem near Bass river, with twenty acres lying near Seader stand, near Bass river on Cape Ann side, with one bark with all her sails, masts, yards, anchors, cables, apparel and furniture, which bark said Creford commonly sailed in, also half the bark which John Pride commonly sailed in, with half of her sails and appurtenances, with the whole produce of a fishing voyage which Craford was then undertaking with two boats at Cape Nawagon; said Craford was to pay to said Savage 280li. sterling in merchantable and refuse fish at money price at his warehouse at Bostone, etc. Wit: Tho. Mower and William Hathorne. Acknowledged before Jo. Endecott, Govr. Copied from the records at Salem, Book 2, p. 33, by Hillyard Veren,\* rec.

Copy of Salem court record, 30 : 4 : 1663, in action of Savage v. Creford, made by Hillyard Veren,\* clericus.

Copies of writs, dated June 24, 1663, signed by Jonath. Negus, for the court, and served by Danyell Rumboll, constable of Salem, by attachment of one black dog, one sow spotted white and black, eight pigs, and the house and land, made by Hillyard Veren,\* clericus.

Execution, dated Aug. 4, 1663, against Mordecaie Creford's estate at the neck, near Winter Island and his fishing vessels, to satisfy judgment of the Salem court of 30 : 4 : 1663, signed by Hillyard Veren,\* cleric, and returned by Samuell Archard,\* marshal of Salem and Richard Waite,\* the marshal's deputy, who delivered to Thomas Savage, jr., by order of his father, Capt. Thomas Savage, possession of a barque of Mordeca Craford of Salem, then in Boston harbor.

\* Autograph.

of which they will not allow him the third part, being partner in the boat. Nonsuited.\*

Samuell Bennet v. Mr. Henry Greenland. Slander. Saying that he was a lying knave. Withdrawn.†

Mr. Henry Greenland v. Mr. John Hathorne and Edw. Richards. Forfeiture of a bond for non-prosecution of an appeal made by said Richards' attorney of Samuell Bennet in an action between said Greenland and Bennet at the last Salem court. This action was ended by the bench by arbitration. Withdrawn.

Peter Giles v. Wm. Oxman. Debt. Withdrawn.‡

Mr. John Hathorne, attorney to Mr. Joseph Humfrye v. Frances Ingolls. Debt. Verdict for plaintiff.§

\*Writ, dated Oct. 21, 1663, signed by Fra. Johnson,|| for the court, and served by Ambrous (his mark) Gaile, constable of Marblehead.

†Writ, dated 19 : 9 : 1663, signed by John Fuller,|| for the court, and served by John Bourrill,|| constable of Lyn.

Benjamyn Muzey and John Fuller deposed that being in the house of John Hawthorne, they heard Dr. Greenland say that Sammuell Bennit was "the verryest Rascoll in new England, and that he would not take his word for a groat," with other approbrious words and speeches. Joseph Armitage testified to the same. Sworn in court.

Hen. Greenland ¶ of Newbery and Samuell Benett ¶ of Rowly Marsh agreed, Nov. 25, 1663, to refer their differences to Worshipfull Mr. Samuell Simonds, Major Generall Denison and Major William Hathorne. Wit: John Rucke,|| John Hathorne|| and John Fuller.||

Samuel Symonds,|| Daniel Denison|| and Wm. Hathorne,|| arbitrators chosen to settle differences between Mr. Bennet and Mr. Greenland, advised, 26 : 9 : 1663, that the actions be withdrawn, and that the evidence brought in by Mr. Bennet proving Capt. Barefoote's attorneyship to Mr. Greenland be returned, etc.

‡Writ: Peeter Giles v. William Oxman; debt; of 29li. 4s., due for a year's employment about fishing with defendant, to be paid mostly by bills of exchange for England; dated 23 : 8 : 1663; signed by Hillyard Veren,|| for the court.

§Writ, dated 15 : 9 : 1663, signed by John Fuller,|| for the court, and served by Robert Ingoles,|| constable of Lynn, by attachment of four oxen.

Whereas Joseph Humfrey, ¶ son of Mr. John Humfrey, deceased, and Mr. Edmund Batter were administrators of the estate of said John Humfrey, and whereas Francis Ingolls of Linne, for a long

|| Autograph.

¶ Autograph and seal.

Cristopher Lattamore v. Faithfull Bartoll and John Prest, Battery. For assaulting him on his own land and offering violence to him, even to bloodshed. Verdict for defendant.\*

Danyell Huchens v. Peeter Nash. For refusing to give plaintiff legal possession and also to lay out one hundred acres of land

time had possession of a farm commonly called Sagamore hill, formerly belonging to said Humfrey, and now was still a tenant there for his yearly rent at ten pounds five shillings for the year 1663, according to agreement, and there having been some differences as to rent, repairs, etc., they now agreed that said Ingols should pay twenty-seven pounds, five pounds having already been received, and Joseph Humfrey leased his interest in it for one year, from July 1, 1663. Wit. William Artwicke† and John Bellingham.†

John Hathorne's bill of cost, 1li. 9s.

Francis (his mark) Ingolds of Lyn, 6 : 1 : 1663, acknowledged himself bound to Mr. Joseph Humfrey of Lynn in 27li., 12li. to be paid in the best grain that the farm will produce as soon as the crop is merchantable and ten pounds in beef and pork on October next, and the rest in good English goods. Wit: Joseph Whiting† and Samuel Whiting, sr.† Joseph Humfrey's† receipt.

Joseph Humfrey's† letter of attorney, dated June 22, 1663, to Mr. John Hathorne of Lyn, for the management of all his estate in New England. Wit: Edward (his mark) Richards, and John Hathorne, jr.†

\*Writ, dated Nov. 12, 1663, signed by Francis Johnson,† for the court, and served by Ambrous (his mark) Gaile, constable of Marblehead.

Faithfull Bartlett's bill of costs, 17s.

John Codner deposed that being at Marblehead about fourteen days since, he heard Cristo. Lattamore warn these men not to moor their boat upon his land, but they said they would. Then Lattamore said he would cut it, and they dared him to do it. Presently he came with an axe and those who were upon the stage called to those in the boat to come ashore, whereupon Faithfull Bartoll and John Prest came ashore and fell with violent hands upon Mr. Lattamore. Down came Mr. Lattamore upon the rocks, it being his own land by common repute, and said Bartoll was upon the body of said Latamore, and shook him and punched him with his knee and hands. When Latamore arose, his face was very bloody and he spit blood. Robert Codner testified to the substance of the foregoing. Sworn in court.

Mr. George Emery deposed that Mr. Lattemar sent for him and he went to his house and found him very much bruised and "he

† Autograph.

bought of Nash. His bond for appearance forfeited. Withdrawn.\*

Mordecaie Creford, assignee or attorney of Freegrace Norton v. Roger Preston. Debt. Withdrawn.†

Mr. John Hathorne v. Joseph Armitage. Debt. Joseph Armitage acknowledged judgment to said Hathorne. Withdrawn.‡

Mrs. Judeth Stileman v. Richd. Huchesson. For detaining her thirds of land sold to defendant by her deceased husband. Nonsuited, the right party not being sued.§

Marke Bachelder was chosen and sworn constable of Wenham for the ensuing year and Nicholas Merit for Marblehead.

John Davice of Gloster took the oath of freeman and was admitted to this jurisdiction.

lett him bloud." Three or four days afterward he went again and found him not well, etc. Sworn in court.

Jno. Pedrick, aged about twenty-five years, deposed that he saw Faithfull Bartlet, one of Francis Johnson's crew, go ashore to the rock where their mooring was made fast against Mr. Latemore's land, and saw the latter strike said Bartlet two blows on his head and shoulders with an axe-helfe. At this they both closed and fell down upon the rock together. When they arose, deponent saw said Latemor strike him again with his fist, etc. Sworn in court.

Mihill Combs, aged about thirty-one years, deposed. Sworn in court.

\*Writ, dated Nov. 10. 1663, signed by Richard Littlehale, || for the court, and served by Edward Harte, || constable of Haverhill.

Mr. Huchins' bill of costs, 1li. 7s.

†Writ, dated 16 : 9 : 1663, signed by Hillyard Veren, || for the court, and served by Samll. Archard, || marshal of Salem.

‡Writ, dated Nov. 16, 1663, signed by John Fuller, || for the court, and served by Robert Ingolles, || constable of Lynn, by attachment of a black mare colt.

Bond of Joseph Armitage, || dated Oct. 17, 1661, to John Hathorne, for 26li. 14s. 6d., as follows: thirteen pounds by Mr. Olliver Purchis, six pounds to Mr. William Phillips, and the remainder to be paid at Mr. Jno. Payne's in Boston, Dec. 25 next. Wit: Daniell Salmon || and John Hathorne, jr. || Owned in court by Joseph Armitage.

§Writ: Mrs. Judeth Stileman v. Richard Hutcheson; for detaining her thirds of land sold said Hutcheson by her deceased husband in 1648; dated Nov. 2, 1663; signed by Hillyard Veren, || for the court.

|| Autograph.

Nicholas Woodbery was fined ten shillings for absence from the grand jury.

Arther Sandy had his license renewed for the ensuing year.

Mr. Tho. Gardner had his license renewed to sell one barrel of strong waters at retail.

Mr. John Hathorne had his former license renewed.

Mr. Browne, Mr. Corwin, Mr. Batter, Mr. Price, Mr. Croad, Mr. Woodcock and Mr. Gidney had their licenses renewed for retailing strong water for the ensuing year.

Nathanyell Putnam was chosen and sworn clerk of the market for Salem for the ensuing year.

Whereas Benjamin Fairfield, by consent of Salem county court, 29 : 9 : 1660, made choice of Peeter Palfery for his guardian, until said Benjamin were twenty years of age, or at said Palfries death, the latter having lately deceased, he chose Mathew Edwards as his guardian, and the court confirmed it.

Mr. Edmond Batter, administrator of the estate of John Humfries, Esq., was allowed to pay himself his just dues from the estate of Mr. Joseph Humfries, for all his charges in the management of the business, taking it from the rent of the farm of Mr. Humfries at Windmill hill in Lynn. Ten pounds was allowed said Batter of an account presented to court, besides another account owned by Mr. Joseph Humphries.\*

The clerk was ordered to issue a warrant to the selectmen of the town of Gloster for the raising of ten pounds for the use of Mr. Thomas Millett in consideration of his pains among them in the public ministry for one quarter of a year.

Samuell Bennett and Wm. Whiterig were fined for not presenting their appeal from the last Salem court to the Court of Assistants.

The wife of Frances Linsford was fined for being disguised with drink.†

John Kitching and Joseph Boyce were convicted for frequent absence from the public ordinances, they having affirmed that they had not before been legally convicted.

\*Bill receipted by Edmond Batter.‡ Mr. Gidney mentioned.

†Jo. Bartoll‡ deposed that he saw the wife of Francis Linsford sitting in the highway not able to rise without help, and he fully conceived that she was disguised with liquor. Sworn in court.

Marblehead presentment. Wit: John Bartall and Mary Gere.

‡ Autograph.

Mr. John Gardner and John Ormes were appointed administrators of the estate of John Commins, deceased, that is in this country, and were ordered to bring in an inventory\* to the next court.

Joseph Bowed, not having the approbation of the selectmen of Marblehead to sell strong waters or beer, court ordered him to forbear selling any longer upon his peril. Fines of the last court remitted.†

Court taking into consideration the case of Elias White and Mary his wife, and weighing all things seriously, upon the deliberate hearing of the parties, together and apart, and the evidence, declared that it would not be offensive to the court for her, the said Mary, to marry another man.‡

Saml. Shattock, charging the court and country, in the face of the court, with being guilty of innocent blood and words to that purpose, was fined or ordered to be whipped. Mr. John Gardner promised to pay the fine.

\*Inventory of the estate of John Comings, in the custody of John Ormes of Salem, appraised, Nov. 26, 1663, by Edmond Batter§ and Walter Price:§ 111 yds. of Canves at 18d. pr. yrd., 8li. 6s. 6d.; 20 yds. of brod Lining at 2s. p. yd., 2li.; 63 yds. of Ossinbredge at 15d. yd., 3li. 18s. 9d.; 56 1-2 yds. of Canves at 18d. yd., 4li. 4s. 9d.; 42 yds. of Canves at 18d. pr. yrd., 3li. 3s.; 3 peces of tufted holond at 2s. 2d., containing in all 45 yds., 4li. 17s. 6d.; 34 yds. of blew Lining at 3s. pr. yd., 5li. 2s.; In money, 4li.; A sute of Cloathes And Wastcoate, 2li. 5s.; A Cloake, 30s., and hat, 15s., 2li. 5s.; A feather bed, bolster, on pillow and 2 blankites, 7li. 12s.; total, 47li. 14s. 6d.

†The petition of Moses Mavericke,§ Francis Johnson,§ Lott Connant,§ John Codner§ and Christo. Latemor,§ selectmen of Marblehead, dated 26 : 9 : 1663, "that whereas Joseph Bowed of the same place hath for some space of time kept a Comon tipling house selling of strong watters and Rapp. and pretends a licence from the last Court: at Salem. In June last your petitioners humbly Craue the fauor of this honored Court and Benifitt of the Law that neither he; nor any other be Intruded: on us with out the approbations of the Towne or Select men; which the said Joseph Bowed never had and that we may be free in the Choise of men to such Employment as other Townes are."

‡Copy of record of Court of Assistants held at Boston, Mar. 3, 1662, made by Edward Rawson,§ secretary: Major Hawthorne, by letter returning a warrant, bond and evidence taken before him relating to what Margaret, in behalf of her daughter Mary White, the wife of Elias White, said in regard to his insufficiency

§ Autograph.

Joshua Buffum was ordered to sit in the stocks one hour for affronting the court about his marriage.

Philip Veren was ordered to be set by the heels in the stocks one hour for disowning the country's power, in open court, about forcing any to come to the public worship.

Philip Veren was dismissed from common training, paying five shillings annually for the use of the company.

John Porter, jr., had forfeited his bond for breach of the peace, and the court finding his other offences such as they see cause to send the said Porter to Boston goal, to be kept until his trial at the Court of Assistants.

The last Ipswich court having referred the case of Mary Longly's light and lascivious carriage and speeches to this court, she was admonished and had caution given her, although there was not legal proof, but cause of great suspicion.\*

concerning the marriage state and her desire of being freed from him. The parties appeared and the court declared that they did not see sufficient ground to separate them, but advised them to live together a while longer.

William Charles and John Codner of Marblehead deposed in relation to what Elias White told them, etc. Sworn, 2: 1: 1662-3 before William Hawthorne. Copy made by Edward Rawson,† secretary.

Copy of Elias White's answer to William Charles and John Codner, both of Marblehead, recorded in the records of the Court of Assistants, Mar. 3, 1662, made by Edward Rawson,† secretary. He owned their statements to be true and told the court that he was fully contented to be separated, if it so pleased authority.

Alice (her mark) Peach and William Waters† deposed that the third day after Ellis White and Mary Codner were married, he invited deponents to supper, and Alice Peach's husband wished Mary Whit joy of her marriage. She answered that she hoped to be married again in three or four years.

John (his mark) Thorning deposed that Richard Downing had kissed Mary White many a time and shown other marks of affection. Also that he saw Ellis White drink to his wife but she refused to drink, and answered that she would rather pledge her cousin Downing than him.

Mary (her mark) Trevet and Jane Woolcot† deposed the same.

The foregoing testimony was sworn to, 3: 1: 1662-3, before Wm. Hawthorne.†

\*Copy of Ipswich court record of Sept. 29, 1663 in relation to the complaint of Mary Longley, made by Robert Lord,† cleric.

† Autograph.

Wm. Longley bound, 30 : 5 : 1663, for the appearance of his daughter Mary at next Ipswich court.

Mary Browne testified that Mary Longley told her that in her childhood her brother John Longley was guilty of improper relations with her. Sworn, 29 : 7 : 1663, before Wm. Hathorne.\*

Hanna Haven and Mary Haven testified that Mary Longley told her that Goodman Coates came up into her chamber when she was abed, etc. Sworn, 30 : 5 : 1663, before Wm. Hathorne.\*

Mary Mansfield, aged about forty-eight years, deposed, Nov. 26, 1663, that whereas Goodwife Haven testified that deponent's kinswoman, Elizabeth Morris, had told her part of the affair between Robt. Coates and Marrye Longlye, deponent declared that she had never heard of it until she heard the testimony. Further her kinswoman said she never told it to Goodwife Haven and she had never found her kinswoman given to speak untruthfully. Sworn in court.

Joseph Haven deposed.

Susanah Haven deposed concerning Lydia, William, John and Mary Longley's behavior some years since.

Thomas (his mark) Colddum, Joanna (her mark) Colddum, Thomas Colddum, jr.,\* Nathaniell Handforth,\* Sarah Handforth,\* Elizabeth (her mark) Tailor, Richard (his mark) Hudd, Mary (her mark) Hudd, John Mansfelde,\* Mary Mansfield,\* Andrew Mansfeld,\* Bethiah Mansfeld,\* John Burrill,\* Loois Burrill,\* John Newell,\* Elizabeth (her mark) Newell, certified, at Lyn, Sept. 29, 1663, that "having lived severall years in the towne of Lyn, where mary longley hath liued with us in the same towne, wee have alwayes taken her to be of a sober comly & modest behaviour both in word and carriage at all times as ever we see or knew of and for our parts, we never se any wanton behaviour by her or any uncomly or immodest speeches that might tend to any uncivility: although we have beene often in her company both night and day upon occasions: And with some of us, shee hath beene in our houses severall weeks together; And further severall of us can testify that upon our knowledge that ther hath beene a strife betwixt these two familys severall years namely betwixt goodman haven and goodman longley, and their familys."

Thomas Wheeler and his wife Mary, William Clerk and Henery Rhodes certified that they had lived near Mary Longly several years and had never seen any uncivil carriage.

Elizabeth Moris, aged about nineteen years, deposed that Goody Haven called to her as she was going by and told her that deponent ought to tell her aunt what Mary Longly said about Coates. Deponent told her that she had said nothing to her, etc.

Goodwife Burges, aged about forty-four or five years, deposed. Betty Moris' sister and Thomas Moris mentioned. Sworn in court.

Eleazer Rhodes and Samuell Rhodes, sons of Henery Rhodes,

\* Autograph.



The will\* and inventory† of John Pickworth were proved and allowed.

having been in Mary Longly's company at husking time never saw any ill carriage in her.

\*Will of John Pickworth, dated 27 : 4 : 1663, was proved 25 : 9 : 1663. He bequeathed to "my wellbeloued || wife || An Peckworth my wholle estate as hows land and Catell and howshowlld goods and she to injoye the same as long as she leueth if liueing and dying in a widows estate but if she other wyis changh her condition and marey then she only to haue her third of w<sup>t</sup> then: the estate is: and after her changh eyther by deth or marege. Then my Elldest sonne John Peckworth is to haue the hows medow And 25 aekers of land w<sup>th</sup> the p<sup>t</sup> of the nek that lyeth betwene Aberham Wyare and my sellfe: for the rest of my land which is 30 akers bowght of Robert morgon with the medow that belongeth to yet my 3 sonns Samuell Joseph and Beneiemen is to haue the same as fore mentioned by my son John as he is to haue his after my wife soe they to inJoye the sam allsoe: and my sonn Samuell is to haue the 6 aekers that lyeth upon the nek nex to Robert Leachs lot that was giuen me by the Plantation || manchester || and the land that lyeth by the saw mill: and for my Part of the samill I thus disspose of yet I leauef yet w<sup>th</sup> my wife as the rest of my estate only my sonn Samuell to act in her behalfe with the rest of my fortuen and he to be Payed for his labower and to haue half the Profect that yet brings in if the estate howld out then my to elldest dawghters Ruth marsterson and Haner Coollens is to haue 40 shillens a peace when the rest fore mentioned haue theyers: and to my youngeft son Beniemen and my yongest Dawghter Abegell I giue a cow callfe the same to be thyer after my decese and the Profet that comes in by the increase furthermore yet is my will that if the hows medow & ground that my son John is to haue cometh to more than a dobell Portion when the estate is pryased then he is to elld up out of his only he is left to his lebertry for the redemeing of his land and to pay w<sup>t</sup> yet comes to for to make up the sengell Portions: and for the better Performance of this my will: I apoynt my wife An Peckworth w<sup>th</sup> my to Sons John and Samuell to be Administraters and desyers and apoynts my well beloued friends Thomas Jones and Willam Benet to be ouer seares where unto I here set my hand. John Pickworth."‡ Wit: John (his mark) Hutson and Samuell Friend.‡

†Inventory of the estate of John Peckworth, taken Aug. 25, 1663, by William Allen and Robert Leach: The hows wth the meadow and lans, 25 ackers, 35li.; more land and medow, 16li.; a peace of medow at Kettell Illand, 4li.; a sheare of the saw mill, 30li.; 3 coves and a calfe, 16li.; a horse wth. a sadell, 11li. 10s.; a pcell of swyn, 6li.; a cover and a pcell of bowlts, 1li. 10s.; a pcell of carpenters tools, 2li.; a fethers bed wth the coweferins,

‡ Autograph.

The will\* and inventory† of Richard Rooten, deceased, were proved and allowed.

8li.; pots & ketells & skellets, a fryine pan and hooks, 4li. 5s.; a spet, 3s.; more howshowld stof, erthen and wooden ware, 10s.; more beding wth. the coweferin, 2li.; a pare of cart whealls and Plow, 2li. 10s.; a fowllin Peace, 1li. 5s.; a preell of Pewter and warmin pan, 3li.; wheat in the barein, 1li. 10s.; enden Corne, 10s.; a Cubowrd, Tabell, stools, chayers, chests, 2li. 10s.; his warein Clothers, 8li. 10s.; 7 yds. of coten, 1li. 1s.; more 9 yds. of flaning, 1li. 7s.; kersey, 1li. 7s.; Lining, 7li.; Boots, 16s.; total, 168li. 4s. Sworn by Ann Pickworth, the widow, in Salem court.

\*Will of Richard (his mark) Rooton,‡ dated June 12, 1663, and proved by Henry Roads and Robert Driver: He bequeathed all his estate to his wife "whille shee Lives saue Sagemore hill and — close and to steares, to cows which I becueue to my kinsman Edmond Rooton, and After my wifes Desease I will that all I haue to bee my kinsman, Edmond Rooton, allsoe I will that hee shall haue a bed with al y<sup>t</sup> doeth belonge to it of such as I haue of mine one Allsoe I will that Edmond Rooton haue for his Conuenesy halfe an Acor of ground upon the hill. y<sup>t</sup> was ould Tilltons to build him a howse upon: with tene Poundes towards his buildding I will; that hee haue it, where hee may h— most Convenient, to build him a howse — Allsoe I will: that if Jonathan Hartshorne — continew with my wife and Edmond Rooton — tearmes of yeares I doe grant unto him fieve — Allsoe I will that our Pastor m<sup>r</sup> Whiting haue forty shilling giuen unto him, Allsoe I will that Henery Rhods haue twenty shillings to bee giuen him, I will to giue unto George Tayler twenty shillings. It is my will that I — my wife my chefe Exec— and Henery Rhods my overser, and Gorge Taylor with him." Wit: Henery Rhodes,§ Robert Driver§ and Francis Burrill.§

†Inventory of the estate of Richard Rooton, taken Sept. 20, 1663, by Nathaniell Handforth§ and Francis Burrill:§ Coates and breaches, 4li. 18s.; a new shute, 1li. 10s.; in stockins, 7s.; hates, 1li. 6s.; shurtes, 1li.; shoes, 7s. 6d.; beding, 3li.; pillowes, 1li.; tikes, 16s.; a Pillow, 6s.; fether Pillowes, 2li.; fether bed, 2li.; a bed, 16s.; 3 blankets, 1li. 7s.; in Coverletes, 3li.; a coverlet, 1li.; a grene Ruge, 1li. 2s.; a cotten Ruge, 1li. 10s.; blankets, 3li. 4s.; grene Cotten, 7s. 6d.; Coate, 5s.; in broad Cloth, 2li. 6s.; cersy, 4li. 3s. 6d.; Red Penestone, 4s.; serge, 2li. 6s.; blew Cotten, 3s.; in Cotten and Linen Cloath, 1li.; sheetes and Pillow tikes, 10li. 16s.; Napkins, 10s.; blew Callico, 4s.; Linen and bandes, 10s.; Potes and kettells, 2li. 10s.; a brase kettell, 1li. 12s.; a warming Pane, 6s.; a Morter and Pestell, 6s.; tonges and shouffell, 12s. 6d.; Pewter, 2li. 7s. 6d.; gunes and sordes, 2li. 10s.; chestes, 1li.

†Seal.

§ Autograph.

Mr. Elias Stileman presented an inventory of his deceased father's estate, which was allowed.\*

10s.; a tike, 8s.; cheres and stollles, 12s.; a Tabell and forme, 1li.; a bedsted and Cubard, 1li. 10s.; two Restes, 1s.; Earthen Potes, 1s.; bookes, 12s.; tubes and other Lumber, 1li. 3s. 6d.; wolle, 10s.; hopes, 2s.; tubes, 8s.; Flaxe, 1li. 5s.; a Rope, 2s.; Corne, 2li. 2s.; trenchers, 2s.; sives, 2s.; Oyle Jares, 2s. 6d.; whelles, 4s.; barley, 2li. 10s.; wheate, 2li. 10s.; Ingen Corne, 2li. 10s.; Eyren, 2li. 18s.; English haye, 3li.; sallt mash, 6li.; a Pare of Oxen, 14li.; coves, 18li.; steres, 8li.; heffers, 9li. 10s.; caves, 2li. 10s.; shepe, 4li.; a mare and coullt, 15li.; swine, 4li.; land, 131li.; howses, 15li.; cart and whells and other things belonging, 2li. 10s.; fries, 5s.; mony, 20li.; a brase Potte, 3s.; Plow Eyrens, 8s.; Dettes owing to her, 11li. 15s.; other debts, 1li. 15s.; more, 2li.; in yarden, 6s.; more, 1li. 17s. 2d.; total, 281li. 6s. 2d.

Paid out of the estate since her husband's death: To Mr. King, 7s.; the Cowkeper, 8s.; for sumering of cattell, 14s.; more laid out, 1li.; more, 7li.; total, 9li. 9s.

\*Inventory of the estate of Elias Stileman, taken 7 : 9 : 1662, by Edmond Batter† and Hillyard Veren:† A dwelling house, 50li.; one Acre of salt marsh, 5li.; 3 1-2 acres of pasture land, 14li.; about 2 acres & half of ground in ye south feild, 3li.; 6 swine, 3li. Goods in the parler: a bed with the bedsted & all ye furniture belonging, 10li.; a table & forme & two Carpitts, 1li. 5s.; 8 chayers, 1li. 10s.; a Cubbord cloath & 3 Cushens, 2li.; 8 cushens, 8s.; one old Bible, 2s. 6d.; 4 pr. hollan sheets, 8li.; 5 Cource hollan sheets, 3li.; 1 pr. Calico sheets, 1li.; 2 pr. Cource sheets, 2li.; table cloathe 2li.; 5 pr. pillow beers, 1li. 10s.; 15 towells, fine & cource, 14s.; 1-2 doz. fine napkins, 15s.; 2 doz. 1-2 napkins, 1li. 16s.; 12 Cource napkins & a cource table cloath, 9s.; a warming pan, 10s.; 1 pr. And Irons & tongue, 1li. In the hall: a table, 2 formes, 1li. 5s.; a Cubbard cushion, 2s. In pewter: new wine qrt., pt. & 1-2 pt. potts, 1li. 12s.; a flaggon, 3 qrt. potts & pt. potts & cupps, 2li.; worne pewter, 2li.; pewter platters, sasers & bassons, 1li.; new pewter: 9 platters, 2li. 10s.; latten ware, 10s. In ye Hall chamber: a bead, 2 coverings, bolster, pillow & a blankett, 3li. 10s.; chares, table & form, old ones, 6s. In ye parler chamber: one bead, one bolster, to pillowes, a rugg, 2 blanketts, curtins, vallenc & bedsteed, 7li.; an old table & forme, 2s. In the kitching: one muscott, 10s.; 2 spitts, 1 pr. rakes, gridiron, 2 pr. hauckes, tongues, fire pan, beefe pricker, 1li. 12s.; 3 Iron potts & on kettle, 2li.; on Iron thripin pan, frying pan & one pestle & mortar, an old Jack, 1li.; bras scales & waites, 5s.; 2 brass Kittells, 1li.; a brass scumer & ladle, 5s.; old Iron, 2s. 6d. & a spade, 30d., 5s.; trenchers, & wooden platters & bottle, 10s.; earthen ware, 3s.; 4 baggs, 12s.; 2 seeves,

† Autograph.

In answer to a motion made by the clerk of the military company of Salem for the confirmation of Mr. Georg Gardner as Lieutenant and Joseph Gardner as ensign, the court understanding that there was wanting that full concurrence and mutual satisfaction that were to be desired in the establishment of such public officers, as upon the like occasion some years since, the court thought meet to commend to the company and all others concerned to consider it anew, the rather because Major Hathorne, "hath for Rasons he best knowes (though we would hop: through noe discouragement on yo<sup>r</sup> pt) layd downe his Commission which we could not deny upon his reitorated motions, & there fore we doe comend it to you, that you apply yo<sup>r</sup> selves to such a complyance, that the company may not remayne destitute of Commission officers but that meet & acceptable psons, may be yo<sup>r</sup> Generall agreement, be presented to the next Court, in order to their establishment."\*

Nicholas Merrit was sworn constable for Marblehead.

The following were presented for frequent absence from public ordinances on the Lord's days, and were convicted and fined: The wife of Robert Buffum, Phillip Veren, John Sotherick and his wife, Josias Sotherick, the wife of Robt. Stone, Samuell Shattock and his wife, Hannah Phelpes, John Smale, the wife of Anthony Needham, the wife of Henry Trask, Michall Shaffin, John Bleven, John Burton, sr., Hanah Burton, the wife of Richard Gardner, John Smith and his wife, the wife of Joseph Pope, Damaris Pope, Danyell Sotherick, the wife of George Gardner, Nathanyell Tompkins, the wife of Robert Wilson, each fined for twenty days' absence; the wife of Mr. Tho. Gardner was fined 30s.; John Sotherick, the

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2s.; a copper, 3li.; a bellows, funnell & other lumber tubbs, canns & shovell, 13s. In the Kitchin chamber: one bead & 2 holsters, 2 white blanketts & 2 red blanketts, 5li.; 2 Coverleads, 1li. 8s.; 2 chests, 1li.; wearing apparrell, 10li.; 3 hatts, 15s. In the seller: wine viniger, 1li.; ould caske, 10s.; 1 pr. malt Milstones, 5s.; a hamaker, 10s.; apprentice boye, 9li.; total, 176li. 12s. 6d. The estate owes to severall men that is known, 279li. 12s. 4d.

\*Tho. Oliver,† clerk of the foot company of Salem, certified that on 11 : 7 : 1663, they elected Mr. George Gardner as lieutenant and Mr. Joseph Gardner as ensign.

Leaded

† Autograph.

wife of Phillip Veren, Jon. Hill, wheelwright, Mary Kitchin, Mr. Needham and Joseph Redknap were convicted.

Allowed the servants of Mr. Gidneyes house, 7s.

Mr. Browne's maid was allowed 18d.

Fined by the Worshipfull Major Wm. Hathorne:

John Smith, on 19: 5 : 1663, for breach of the peace in striking John Pease.

Henry Coomes, on 21 : 7 : 1663, for cursing.

Peeter Stuart, on 8 : 9 : 1663, for stealing and lying. Mr. Croad agreed to pay the fine in a month.

Nicholas Manning acknowledged judgment to Mr. Elias Stileman.

Court ordered that William Dew, a youth of ten years of age, whom Edward Bishop had kept from a child, should dwell, serve and abide with said Bishop, after the manner of an apprentice for seven years from Jan. 1 next.

Jon. Porter, jr., being complained of for rebellious and abusive carriages and speeches to his parents, and several evidences being produced against him, court ordered him to be committed to the goal at Bostone until the next meeting of the Court of Assistants.

Presentments, dated June 30, 1663, and signed by Charles Gott,\* in the name of the rest of the grand jury:

John Burton, jr., Richard Gardner, Samuëll Gaskine and his wife, John Maston, William Maston, Joseph Boyce, sr., Easter and Elizabeth Boyce, for frequent absence from meeting. Wit: William Flint, John Nelle, Thomas Rootes and Anthony Buckstone.

Robert Gray, for not coming to the public meeting.

Town of Salem, for defect in the highway near Goodman West's, which was Mr. Blackledge's farm. Wit: Silvester Eveleigh and William Alline.

Henery Rhodes, John Ramsden and Tho. Newell were witnesses against Mr. Needham and Joseph Rednape for absence from meeting.

Births, marriages and deaths of Topsfield, returned by John Redington,\* clerk of the writs:—

Presilla, wife of John Wiles, died Apr. 16, 1663.

Ephraim, son of Robert and Mary Smith, was born Oct. 27, 1663.

Samuëll, son of Daniell and Mary Clark, was born Dec. 5, 1663.

Timothie, son of Thomas and Judeth Dorman, was born Dec. 12, 1663.

Phebe, wife of Zacheas Gould, died Sept. 20, 1663.

\* Autograph.

John Wiles and Sarai Averie were married Nov. 23, 1663.

Births, marriages and deaths of Wenham, returned by Tho. Fiske,\* cleric:

Marriages:

James Freind and Marah Moulton, Dec. 12, 1662.

William Fiske and Sarah Killim, 15 : 11 : 1662.

James Moulton and Elizabeth Adams, 10 : 12 : 1662.

Births:

Martha, daughter of Richard Hutttn, Mar. 30, 1662.

Samuell, son of Jno. Killim, 1 : 6 : 1662.

Charles, son of Charles Gott, 7 : 6 : 1662.

Noah, son of John Fiske, 14 : 9 : 1662.

David, son of Alexander Maxey, Jan. 2, 1662.

Jane, daughter of James Elles, 15 : 8 : 1663.

Sarah, daughter of Charles Gott, 4 : 11 : 1663.

William, son of William Fiske, 30 : 11 : 1663.

Deaths:

Josiah, son of Tho. Fiske, 30 : 2 : 1662.

Amos, son of Tho. Fiske, 12 : 3 : 1662.

Sarah, daughter of Charles Gott, 14 : 11 : 1663.

Execution, dated July 6, 1663, against John Bishop to satisfy a judgment granted by Salem court, 30 : 4 : 1663, to Mr. Henry Greenland, attorney to Mr. Cording, signed by Hillyard Veren,\* cleric, and returned by Robert Lord,\* deputy marshal for Samuell Archer,\* marshal of Salem, bv attachment of a horse of said Bishop's.

Execution, dated 30 : 4 : 1663, against Thomas Poore, to satisfy a judgment granted by Salem court, 30 : 4 : 1663, signed by Hillyard Veren,\* clericus, and returned by John (his mark) Aslett, constable of Andever, deputy for Samuell Archard,\* marshal of Salem, by attachment of twenty acres of land in Andever, adjoining Marrimak river on the south side of said river about three miles from the meeting house and the other eight acres lying about one mile off next adjoining some land of Ralph Varnum, which twenty-eight acres was appraised at eight pounds.

Execution, dated July 6, 1663, against Richard Dole to satisfy a judgment granted by Salem court, July 1, 1663, to Mr. Henry Greenland, signed by Hillyard Veren,\* cleric, and returned by Robert Lord,\* deputy for Samuell Archard,\* marshal of Salem.

Dorothy Cromwell and Abygaile Lord testified, 4 : 11 : 1663, that according to a warrant from the Worshipfull Major William Hathorne, they viewed the body of a child born 3 : 11 : 1663 to the wife of John Bly, and found that the bone of each thigh was broken. Further that the child was born not above six weeks before the full time.

Joseph Hucinson, aged about thirty years, deposed that the widow Reves, servant to Job Swinerton, sr., had not attended

\* Autograph.

## COURT HELD AT IPSWICH, MAR. 29, 1664.

Judges: Mr. Bradstreet, Mr. Symonds, Major Genll. Denison and Major Hathorne.

Jury of trials: Thomas Bishop, Cornt. John Whipple, William Story, Aron Pengry, John Addams, Sam. Plummer, Richard Dole, Thomas Hale, William Stickney, John Person, Abraham Jewett and William Evans.

John Meager v. Ossmand Dutch. Slander. For saying that he lay with Mary Davis and that he kept her in his cabin all night. Verdict for plaintiff. The defendant was to make a public acknowledgment in the town of Gloster or to pay a fine.

The court did not accept the verdict.\*

meeting on Lord's day for the past four months. Sworn, 25 :9:1663, before Wm. Hathorne.†

Margeret Heriman testified that John How being at her house and having on a scarf, "I said unto her what you have gotten a scarf she answered what did not you know that before now and to my Apprehension it was silke but I dare not to swere it was." Sworn in Ipswich court, May 5, 1663, before Robert Lord,† cleric.

Deed, dated May 20, 1663, Richard (his mark) Nicholls, to Reynold Foster, sr., of Ipswich, for 16s., six-acres of marsh, which was granted to said Richard Nicholls of Ipswich, within the bounds of Hog Island marshes, commonly so called, and recorded in the town book. Wit: Willm. White.† Recorded Jan. 28, 1680 among the records of lands for Essex in Book 4, p. 378, by Robert Lord,† rec.

\*Writ, dated Jan. 16, 1663, signed by Edmund Clarke,† for the court, and served by John (his mark) Fich, constable of Gloster.

Mary Duch, aged about fifteen years, testified that John Meagers called to her in the morning before she was up and told her that Mary Davis was abed. She arose and went into the new room and saw said Mary in Meagers cabin, "my mother beinge out with a wooman that was not well and when my mother came home my father tolde my mother that John Meagers did tell hime that mary davis did knock and call att the doore || last night || as though shee had ben wilde unto which words my mother asked my father whether mary davis did lay there and my father answered that he coule not tell and then I answered I am shuer shee did," etc. Sworn, Mar. 14, 1663, before Samuel Symonds.†

Joseph Ellwell, aged sixteen years next May, deposed that Mary Davis told him that John Megus had offered uncleanness to her last December, but she refused. He gave her apples at one time. He further told her that if she were with child, he would

† Autograph.

Mr. Philip Nelson, executor to Joseph Jewett v. Thomas Wood. Debt. Nonsuited.

John Marshall v. John Rayment. Withdrawn.

John Rayment v. John Marshall. Debt. Withdrawn.

Mr. Phillip Nellson v. John Pickerd. Debt. Nonsuited.

Mr. John Paine v. Mr. Willm. Perkins. Debt. Withdrawn.

John Godfrey v. Jonathan Singletary. Slander and defamation. For calling him witch and saying "Is this witch on this syde Boston Galloes yet?" Verdict for plaintiff. The defendant was to make public acknowledgment at Haverill or to pay a fine.\*

take her to the eastward. Sworn, Mar. 28, 1664, before Samuell Symonds.†

Thomas Jones deposed that Osman Duch told him the story and then said it was a jest. He further deposed that the cabin of John Meager was one room divided by boards into two. Sworn, Jan. 21, 1663, before Samuell Symonds.†

Thomas Jones testified that Mary Daves cleared John Meager of any uncivility to her and said that she never saw him after he let her in.

William Cannon testified that Duch's wife told Mary Daves that she might lie there as if she were at home and that her daughter should lie with her.

John Coleman, aged about twenty years, deposed that Mary Davis told him that she lay in Meager's cabin, etc. Sworn, Mar. 29, 1664, before Daniel Denison.†

Thomas Harvei deposed that being at Mr. Duncan's stage, etc. Sworn, Mar. 25, 1664, before Samuel Symonds.†

Hezekyha Duch, aged about eighteen years, deposed that he heard Mary Daves say that she went to deponent's father's house, and John Meekers let her in and gave her something to eat. That he told her that he would take her to the eastward and marry her. Deponent heard John Meekers say that she was out with the Ille of Sholes men until midnight, etc. Sworn, Mar. 14, 1663, before Samuel Symonds.†

\*Writ, dated Mar. 15, 1663, signed by Anthony Somerby,† for the court, and served by Edward Clarke,† constable of Haverill, by attachment of four score acres of land near Merrimak river, bounded by Thomas Lilford's and widow Satchwel's land, and belonging to defendant.

John Rimmington deposed that "being at the last Court held at Ipswich — Jonathan Singletary being theare in the Court — that John Godfery came to him in the — when the prisson doare was lockt — Jonathan, and said now I can speake —

† Autograph.



pay the executions you are in prisson, for you may soon — forth, and farther Jonathan said before Godfery came thus vnto him & spake to him, he heard anyse & the prisson shake & the lockes & doars chattering as if they did open & shutt at his comeing in : & alsoe that he see Godferies face as plain in the prisson as he did in the Court.” Sworn by John Rimington and Edward Yeomans, 20 : 4 : 1663, before Simon Bradstreet. Copy made by Hillyard Veren,\* cleric.

Jonathan Singletarey, aged about twenty-three years, deposed, 14 : 12 : 1662, that “I being in y<sup>e</sup> prizen att Ipswitch this night last past Bettwene nine & tenn of y<sup>e</sup> clocke att night after y<sup>e</sup> bell had runge I being sett in a Corner of y<sup>e</sup> prizen upon a suden I heard a greate Noyese as if maney Cattes had bine Climbeing up y<sup>e</sup> prizen Wales & Skipping into y<sup>e</sup> house att y<sup>e</sup> windows & Jumping about y<sup>e</sup> Chamber And a noyese as || if || boards ends or stooles had bine throwne about, & men walkeing in y<sup>e</sup> Chambers & a Crackleing & Shakeing as if y<sup>e</sup> hous would have falen upon me I seing this & Considering what I knew by a young man y<sup>t</sup> kept att my hous, last Indian Haruist & upon som diferanc w<sup>th</sup> John Godfre he was p<sup>s</sup>ently severall nights in a strainge maner Troubled & Complaineing as he did & upon Consideration of this & other things y<sup>t</sup> I knewe by him I was att p<sup>s</sup>ent something affrighted yett Considering w<sup>t</sup> I had lattly heard made out by m<sup>r</sup> mitchill att Cambridg y<sup>t</sup> ther is mor good in god then there is euell in sin & that all though God is y<sup>e</sup> greatist good & sin y<sup>e</sup> greatest eivell yett y<sup>e</sup> first Being of evell Can nott weare y<sup>e</sup> scales or ouer power y<sup>e</sup> first being of good so Considering y<sup>t</sup> y<sup>e</sup> author of good was of greater power Then y<sup>e</sup> athour of evell god was pleased of his goodnes to keepe me From being out of measuer frighted so: this noyese aboue sd held as I sopoze about a quarter of an houer & then ceased & p<sup>s</sup>ently I heard y<sup>e</sup> boult of y<sup>e</sup> dore shoott or goe back as perfitty to my thinkeing as I did y<sup>e</sup> next morning when y<sup>e</sup> keeper Came to unlocke it & i could nott se y<sup>e</sup> Dore oppen but I saw John godfre stand w<sup>th</sup> in y<sup>e</sup> Doore & said: Jonathan Jonathan so I lookeing on him sd what have you to doe with me he sd I com to se you are you weary of yo<sup>r</sup> place yett I answered I take no delight in being here but I will be out as soone As I Can he sd if you will pay me in corn you shall Com out I Answ<sup>d</sup> no if y<sup>t</sup> had bine my intent I would have pd y<sup>e</sup> marchall and never have Com hither he knocking of his fist at me in a kind of a threatening way said he would make me weary of my partt & so: went away I know not how nor which way & as I was walkeing about in y<sup>e</sup> prizen I triptt upon a stone w<sup>th</sup> my heele & tooke it up in my hand; thinking y<sup>t</sup> if he cam againe I would stricke att him so as I was walkeing about He Caled att y<sup>e</sup> window Jonathan sd he if you will pay me corne I will giue you two years day & we will com to an agrement I answered him saying why Doe you Com desembling & playing y<sup>e</sup> diuels partt

\*Autograph.

Thomas Lovell v. John Lambert. Trespass. For taking away his horse from about Ipswich towns-end, docking, branding him and detaining him about fourteen months. Verdict for plaintiff.\*

here youre natteur is nothing but enuie and malis w<sup>ch</sup> you will vent Though to yo<sup>r</sup> owne loss and you seeke peace w<sup>th</sup> no man I doe nott desemble sd he I will give you my hand upon it I am in earnist so: he put his hand in att y<sup>e</sup> window and I tooke hould of it w<sup>th</sup> my leftt hand & puled him to me & w<sup>th</sup> y<sup>e</sup> ston in my right hand I thout i strocke him & went to recuoer my hand to stricke againe & his hand was gone & I would have strock but ther was nothing to stricke & how he went away I know not for I could neather tele when his hand went out of mine nor se which way he went."†

Abraham Whiticker and Edward Yeomans deposed as to the conversation between Godfry and Singletary on the street in Haverhill. Sworn, Mar. 22, 1663, before Daniel Denison.‡

\*Writ, dated Dec. 10, 1663, signed by Robert Lord,‡ for the court, and served by Robert Lord‡ marshal of Ipswich, by attachment of six cattle belonging to John Lambert of Rowley.

Robert Lord, marshal, aged about thirty-one years, deposed that he knew Tho. Lovewell's horses very well, and especially the horse in controversy, which went with his father-in-law Day's and deponent's horses two or three summers. He saw this horse last summer in the common and also in the common field with a brand R, and he made inquiry of Jonath. Plats, who wanted a horse at Rowly, and who said that John Lambert had one in their fold, that is, Ipswich fold, which he took up last trooper's day of last year at Ipswich towns-end, docked and branded him, etc. Sworn in court.

Thomas Hart, sr., deposed that about Aprill was twelvemonth, Thomas Lovell desired him to take notice of his horse, and he saw him often that summer in company with Goodman Day's and Aaron Pingry's horses, etc. Sworn in court.

Thomas Day deposed that the horse went with his father's and Aaron Pingry's horses. Sworn in court.

Henry Rilie testified. Sworn in court.

Johnathan Plats testified that he had oftentimes spoken to John Lambert to take away his horse, etc. Sworn in court.

John Jewitt deposed that he saw John Lambord lead this horse from Ipswich this last winter about two months after Mickellmuse toward Rowlay. He also heard Twffard West say that he met this horse coming from Rowlay, etc. Sworn in court.

John Wiett deposed that he heard John Lambart own that he took Thomas Lovell's horse and drove him to Rowly in the evening and branded him with Rowly brand the next morning and

†Shorthand notes on the reverse of this paper.

‡Autograph.

Robert Swan v. John Tod. Trespass. Verdict for plaintiff, the title to the land. John Tod acknowledged in court that he gave Peckar an order to take corn off the land.\*

drove him to Mr. Dommer's farm beyond Rowly common field; also that he let the horse stay out so long that winter that he was so poor that he thought he would have died and that Jonathan Platts told him if he didn't look after him, he would lose him, etc. Sworn in court.

Ezekel Northend and Andrew Hedden deposed. Sworn in court.

Henery Osborne deposed that he kept the town herd in 1661 and 1662 and saw the colt almost every day, and that his walk was about Turkie hill and Muddy river, etc. Sworn in court.

John Lovell and Thomas Lovell, jr., deposed that they knew their father's horse and that they with their father had been out thirty-six days looking for him, etc. Sworn in court.

John Dresser, sr., deposed that he went with Thomas Lovell to John Lambert's house and the latter said that the horse came of his bay mare. Lovell said he was mistaken for it came of his sorrel mare, etc. Sworn in court.

James Bayly deposed that he came to Tho. Lovell's and inquired of him where he might buy a young horse. The said Thomas said he would sell him a horse, for which deponent agreed to pay a pair of steers coming three years old and the rest in cotton cloth or rugs. Lovell said he would find the horse and asked him to tarry a while. Deponent waited about a month and he told deponent that he could not find him and he thought he was stolen. Sworn in court.

\*Writ: Robert Swan v. John Tod; trespass; for employing James Pecker to take away the said Swan's corn from off his land, which land was sometimes Ric. Wycoms, adjoining the south side of Merimack river which said Swan had of Peter Nash and claiming it as his, said Tod's land; dated 7 : 1 : 1663; signed by Tho. Bradbury,† for the court, and served by William Lawe,† constable of Rowley.

Robert Swan's bill of costs, 5li. 13s. 8d.

Peter Nash† of Charlestowne, cooper, acknowledged himself bound, May 1, 1660, to Richard Wicom of Rowly for 4li. 15s., to be paid in corn or cattle. Wit: Philip Nellson† and John Pickard.†

Philep Nelsen and John Pikard testified that the deed which Peter Nash had of Richard Wikam concerning this land in controversy was signed and sealed by Richard Wikam. Sworn in court.

Lieut. Danill Lad deposed that Abraham Whitticker owned to him and to Thomas Davis and William Whitt that he had taken a false oath. Sworn in court.

†Autograph.

John Mackcalum deposed Jan. 5, 1663, that Robertt Swan did plant, fence and hill a piece of land adjoining to Joseph Pike's land upon the south side of Merimack river in Rowly bounds. Steven Dow testified to the same and also that he helped manure the land and later saw a crop of corn upon it. John Griffing deposed that he sowed turnips there. Sworn, 28 : 1 : 1663-4 before William White and Henry Palmer, comrs. Copy of commissioners records.

Samuell Brocklebanke testified that one time at John Tod's house there was lying upon the table a deed of Richard Wickam's Mearimacke land unsigned and sealed. He asked said Tod what was the meaning of that writing and he replied that he would have Wickam assure the land to him for there was nobody who had anything to show for it, and said he "i am to pay for it and petter nash hath left all the title that he hath to it in my land." He showed deponent the writing to Nash, and deponent said "I pray you be carefull of ocationing the ould folks truble for I told him that the land was morgaged to Robert Swan by peter nash and he was about to sell it to deacon Jewett its noe matter said he petter hath noe thing to show for it and I am glad said he that I heare this for I had thought to have come to you and the deacon to helpe me to get this signed but I will have a care of him if he be about to bye it." Sworn in court.

John Pickard, aged about forty-two years, deposed that about the beginning of the year 1660, Richard Wicam gave Peeter Nash a deed of the land and received a bill dated May 1, 1660, for the payment, etc. Philip Nellson, aged thirty-nine years, testified the same. Sworn in court.

Edward Clarke and Danell Wikam testified that they saw the deed passed at Goodman Tod's house at Rowly, etc. Sworn in court.

Edward Clark further testified that he saw Peeter Nash tear the deed. Sworn in court.

Richard Holms, aged about fifty-three years, deposed that he was with Daniel Ela at John Tod's about Mar. 11, 1662, and that Peter Nash said that the deed was burned, and also that Wikam would have two pair of shoes, one for his lad and one for himself, etc. Sworn in court.

Daniell Ela deposed that on Mar. 10, 1662, Peter Nash delivered the land to Robert Swan by turf and twig with these words, "I deliver you this in part of the whol lott" and showed him the bound trees. Sworn in court.

Philip Brown, aged seventeen years, deposed that the land was near the land of John Griffin, etc. Sworn in court.

Danill Wikam, son of Richard Wikam, testified that he went with Goodman Tod to his father's to see that said Tod did him no harm and Ezekill Northin and Antony Astine were there also.

Henry Russell v. Clement Hudley. Debt. Defendant forfeited his bond for non-appearance.

Thomas Clarke v. Mr. Thomas Andrews, administrator of Corp. John Andrews' estate. Debt. Verdict for plaintiff.\*

John Gould v. John Tod. Trespass. Upon a replevin. Verdict for plaintiff.†

Goodman Tod showed deponent's father and mother a deed of the land which he said he had been speaking to his said mother about. Deponent's father said that Peeter Nash should have had the land if he had paid anything for it, but he had not, and said Wikam agreed to let Tod have it for a pair of steers for himself and another pair for his son John. Then the deed was signed by his mother and father, who were both in their senses, although they never had skill in the law. Ezeakill Northen testified to the substance of the same. Sworn in court.

John Tod deposed, Jan. 5, 1663, that he heard James Pecker say that he had gathered the corn that grew upon deponent's land. Sworn, 28 : 1 : 1663-4, before William White and Henry Palmer, comrs. Copy of commissioners' records.

Anthony Crosbie testified that John Tod told him he had burned the deed but later had a firm deed made from Richard Wickam and his wife. About that time several reported that Richard was so weak that he knew not what he did. Sworn in court.

Daniel Ela, aged about thirty years, deposed that he conducted the business for Robert Swan. That he heard that Wickam had been distracted of late which was a common report in Rowley, etc. Sworn in court.

John Johnson, constable of Haverhill in 1662, deposed as to serving an attachment, etc. Sworn, Mar. 24, 1663, before Daniel Denison.‡

\*Writ: Thomas Clarke, sr., v. Thomas Andrews, administrator of the estate of Corp. John Andrews; dated Mar. 21, 1663; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich.

On Apr. 21, 1659, John A[ndrews]‡ acknowledged a debt of 3li. 5s. 6d. to Thomas Clarke of Ipswich. Wit: Theophilus Wilson‡ and William Buckley.‡

†Writ of replevin for a brindle steer of John Gould's distrained by John Tod, dated Feb. 23, 1663, signed by John Redington,‡ for the court, and served by constable of Topsfield.

Richard Oliver deposed that he was with John Tod when he distrained Zacheas Gould and his son John Gould for Rowly rates and at the same time he distrained a steer of said Gould's the

‡Autograph.

Robert Andrews v. John Tod. Trespass. Upon a replevin. Withdrawn.

Richard Kent v. Lieft. John Pike, attorney for the town of Newbury. Appeal from the commissioners of Newbury. Verdict for plaintiff, the former judgment reversed.\*

latter promising to keep it for Tod, who was to pay for wintering it. Sworn in court.

John Pickard and Ezekiell Northend testified that "the dwelling house in which goodman Gould liveth is within the bounds of the towne of Rowley severall scores of Rods." Sworn in court.

Danell Clerke testified that John Gould bought a brindle bull calf of him for himself, etc. Sworn in court.

John Robinson deposed that the steer belonged to John Gould when distrained. Sworn in court.

Willam Evenes deposed.

\*Richard Kent's bills of costs, 1li. 7s. and 2li. 4s. 6d.

Copy of the records of the commissioners' court for ending small causes in Newbury, Feb. 10, 1663, Mr. Edward Woodman, Capt. William Gerish and Nicholas Noyes being commissioners:

Summons to Lieft. Pike, Henry Short, Archelaus Woodman and John Merrill to answer the complaint of Abraham Merrill and Francis Brown, partners for keeping the dry herd over Artechoke, for not performing a covenant in 1659 about keeping the herd, dated Feb. 10, 1663 and signed by Anthony Somerby,† for the court. The action entered.

Abraham Merrill and John Kelly deposed. The latter, aged twenty-one years, deposed that in the year 1659, there were upon the town's common eight horses of Richard Kent's, which were driven up and brought down by the herdsman; also a mare and colt belonging to Robert Adams, three horses or horse kind of Richard Tharlayes, three horses of John Chater and one of Peter Morse. Sworn in court. Copy made by Anthony Somerby.†

Articles of agreement, dated Mar. 25, 1659, between Henry Short, Lieft. Pike, Archelaus Woodman and John Merrill, in behalf of the town, and Francis Browne and Abraham Merrill, partners, that the latter were to keep the dry herd over Artechoke, to herd them, pen them up every night for about three weeks at their first driving up and bring them from the pound about May 10 next, one man constantly giving his time to them all the year after, until they are brought down again. Every man was to deliver his cattle to the said herdsman, who were to make up the hedge between this and the said time, the farmer's cattle as well, John Chater's and Edward Philps as the others, also those in the neck shall pay as well as others. The price paid to the herdsman

†Autograph.

by the town was to be twenty-two pence for every beast, the herds-  
men to make the hedge sufficient for the year, receiving pay ther-  
for in wheat, barley, rye, and Indian corn to be paid before Dec.  
31. Also for horses, mares and colts driven up and brought down  
again, they were to receive pay of twenty-two pence per head in  
like pay, and to do their utmost to bring down cattle and horses  
when men desired it. Court found for the plaintiff. Copy made  
by Anthony Somerby.\*

Summons to Richard Kent to answer the complaint of the  
selectmen at the ordinary for not paying for his horses that went  
on the dry herd commons, dated Feb. 10, 1663, signed by Anthony  
Somerby,\* for the court.

Leift. Pike, Abraham Tappan, John Baily and Richard Dole,  
selectmen v. Richard Kent.

The herdsman's covenant: Agreed, May 14, 1663, between the  
selectmen and William Neph, that the latter "is to spend his whole  
time this somer, and to do his utmost endeavour to keep up the  
Townes dry cattell and horses out of the Cow comons, and to  
search the severall Comons as there shalbe need, to cleare the dry  
cattell and horses out of the same, and also the hedg being first  
amended, the said william is to amend such gapps as he shall find  
in the hedge and thus to continue so long as the select men shall  
see meet, and when they shall appoint he shall bring downe all  
the cattell & horses also the first time it is agreed that the said  
cattell shalbe brought unto their places, for the said william to  
take them at Grauell Hill, at the pound, at John Bartlets barne  
& at Goodman Pilsbury where the said william is to attend & to  
drive them up. And the said william is to have for his labour  
fifteen shillings p<sup>r</sup> weeke one halfe in english corne and the other  
halfe in Indian. The which the said William is to demand it of  
the severall persons which are the owners of the cattell at the end  
of the time, and if it be not ready he is to appoint them where to  
pay it in the Towne, as at Abraham Tappans & Richard Doles  
houses, within ten days following and if payment be not made,  
the said william is to sue the said owners that do not pay, and the  
selectmen is to assist him in it what is meet." Copy made by  
Anthony Somerby.\*

Samuell Lowle, aged nineteen years, deposed that there were  
eight or nine horses or horse kind at Plumb Island which were  
called Goodman Kent's and that three stayed there till after wheat  
harvest and the rest were over Artechoke. Sworn in court.

William Neph, aged twenty-four years, testified that nine horses  
of Richard Kent's went up in the upper commons over Artechoke.  
Sworn in court.

The invoice of the town's estate for the country rate and that  
of the herdsman's rate gave the number of Richard Kent's horses  
the same.

\*Autograph.

Kent pleaded in his defense that horses were not herdable cattle.

Verdict for plaintiff. Appealed to the next Ipswich court. Copy made by Anthony Somerby,\* clerk of the commissioners.

Copy of the records of the commissioners' court for ending small causes in Newbury, Mar. 2, 1663:—

Summons to Richard Kent to answer the complaint of the selectmen of Newbury at the ordinary for not paying for his horses in the dry herd commons in the year 1659, dated Feb. 24, 1663 and signed by Anthony Somerby.\* The action entered.

Abraham Merrill and John Kelly deposed.

Richard Kent pleaded that the commissioners were not meet judges. Verdict for plaintiff. Appealed. Copy made by Anthony Somerby.\*

In answer to Richard Kent's plea of defense in both actions, the commissioners acted upon the General Court's order, giving power to towns to order their prudentials, and the town giving power to the selectmen, as appears in their instructions which is in relation to the herds. They have power to order the herds as they shall see best. The selectmen's order, dated May 14, 1663, follows:— That all the dry cattle, except working oxen and yearlings, shall be driven up out of the cow commons, under penalty of 12d. per head, by the twenty-second of May, and that the owners of the said cattle shall bring them to the place appointed in the morning; also all the horses that are not constantly worked shall likewise be cleared out of the cow commons under penalty of 2s. 4d. per head to any freeholder who impounds them and that all such horses, mares and geldings that have taken into any man's ground shall be continually clogged or fettered under penalty of five shillings per head to any free-holder that impounds them from any of the cow commons near the town. And that all such cattle and horses that go in any part of the town's commons shall be liable to pay to the keeper that is employed about the dry herd. And considering the great necessity of horses being kept out of the cow commons as well for security of corn as otherwise, etc.

Leift. John Pike testified that Richard Kent owned that he had ten horses upon the town common. Copy from the commissioners' book made by Anthony Somerby.\*

Copy taken from the town book of Newbury by Anthony Somerby,\* clerk:—On May 7, 1659, the selectmen considering the great oppression of the cow commons by horses, mares, yearling colts and dry cattle that are not driven into the dry herd commons, it was ordered that all inhabitants having more than one horse or mare shall drive their yearling colts and dry cattle into the dry herd commons within three days after the publication hereof upon penalty of 5s. a beast to be levied by the hayward or constable; and if not cleared after three days more, the like fine to be levied,

\*Autograph.



and so from time to time all summer, except such cattle as have been delivered to the herdsman, which upon warning given, the herdsman shall fetch away; and all such horses that are unruly shall be fettered and if they are not fettered and do damage to their neighbors, their owners shall pay five shillings for every such damage.

Copy of the selectmen's order, dated May 14, 1663, taken out of the town book by Anthony Somerby.\*

Richard Kent's reasons of appeal given in to the clerk of the commissioners, and copied by Anthony Somerby,\* clerk:—

In the first action, he conceived that horses were not herdable cattle; that the selectmen had not the power to make the owners of horses that go in the dry herd commons pay to the herdsman that keeps the dry herd; and that he knew no precedent in the country.

In the second action, because the same action was tried between the herdsman and the selectmen in behalf of the town in order, as he supposed, to raise charges upon him; that the commissioners passed a judgment against him in a cause he refused to answer to, he not being bound to answer it, nor were any of his goods attached; and the commissioners seemed partners in the case.

John Pike's\* answer, in behalf of the town of Newbery, to Richard Kent's reasons: In the first action, to the reason that horses are not herdable cattle, he answered that they are as herdable as other cattle which means that they shall be driven up above the hedge out of the cow commons for the public good, that horses are most damaging both to the feed of the cows and the corn fields and meadows, all of which must be preserved for the livelihood of the town. To the reason that the selectmen have no power, he answered that they are following the instructions of the General Court, that the town had given them power to use their own discretion and that their agreements were rational and prudent measures. To the reason that there was no precedent, he answered that it was not the business of the selectmen to seek the country for precedents for ordering the horses that feed upon their commons, "yet nevertheless Richard Kent & all that are Concerned maye please to under stande, that wee are Informed that Charlstowne have proceeded in like maner Concerning their horses." In the second action, to the reason that the same action was tried before, he answered that they were two distinct actions, the herdsman suing the selectmen in one and the selectmen suing Richard Kent in the other; that the herdsman sued for breach of covenant and Richard Kent was sued for only what was due for his horses and not other men's; that they had not raised the charge of that action upon said Kent, although they intend to do so for a part of it in due time. To the second reason, that he was not bound to answer, his goods not being attached, he answered

\*Autograph.

Richard Kent v. Liefert. John Pike, attorney for the town of Newbury. Appeal from the commissioners of Newbury. Verdict for defendant. Court did not accept this verdict.

Peeter Tappan v. Daniell Pearce. For taking and carrying away part of the barley that grew upon the land said Peeter hired of Daniell Pearce, jr. Verdict for plaintiff, thirty-six bushels of malt or barley or nine pounds in equivalent pay.\*

that he did join issue as appeared by his pleas of defence, and probably said all he was able to say, and as for not being attached "I had thought Rich. Kent had binn more Ingenious then to make such a use of his neighbours lennity toward him." To the reason that the commissioners seemed to be parties, he answered "that was but his misapp'hention, for, first they weare neither plaintiff nor defendant, 2ly they weare noe waye lieable either to profit or loss by the Case, 3ly noe relation nor law, nor reason, that I know of doth either make them pties, or disable || or hinder || them from being meet & Competent Judges, they being sworn to doe Justice."

\*Writ, dated Mar, 22, 1663-4, signed by Anthony Somerby, † for the court, and served by Steven Grenlef, † constable of Newbury.

Peter Topan's bill of cost, 5li. 10d.

Samuell Lowle deposed that he told Peter Topan that the cattle were in his barley and he asked if they had done much harm. Deponent told him that he was to have a brave crop of barley and asked him what he was to give an acre. He told deponent that he could not tell, that he was to have the ground as it proved. Sworn in court.

Robert (his mark) Beetle testified that Daniell Pearce, jr., and himself were discoursing about land, and deponent desired to hire some of him near Cole harbor toward Noyse's field. He told deponent that he could not let him have that because Peter Tapan was about to hire it, only as yet they had not agreed, for Peter had offered him but 15s. per acre and he asked 16s. At last deponent hired two acres of land in another place and enjoyed it peaceably. Sworn in court.

Nathaniell Clarke testified that he heard Daniel Peirce, sr., say that they had planted the barley and that he had gotten about half. Sworn in court.

Willim Law testified that Daniell Pearce, sr., told him that he had given all his business into the hands of Danell Pearce, jr., and said that he meddled with nothing. Sworn in court.

Robert Morse† deposed that he asked Daniell Pearce, jr., why he did not sow English grain upon that two acres, which he might safely tend himself, and he said that he let Peeter Toppan have seed barley, that he could not sow the ground unless he had it.

† Autograph.

John Gould v. Daniell Black and Faith, his wife. For slanderous words. Withdrawn.

Mr. Symon Bradstreet v. Rich. Suttan. Trespass. For killing or unjustly procuring the death of a mare of his this last winter.

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Further that the elder Pearse gave his son Daniell power to act for him when he went to Cape Faire, and that deponent hired two acres of said Daniell to plant Indian. Sworn in court.

Samuel Lowle\* and Thomas Hoyt\* deposed that when Tappin was mowing the barley he went to Danill Pearce, jr., and tried to settle, but Pearce said that his father was now at home and he had nothing to do with it. Sworn in court.

Tristram Coffin, aged about thirty-two years, testified that Daniell Pars said he made no bargain with Topan but that it was conditional. Deponent heard farmer Pares say, at the latter's house, that Topan would have given but ten shillings per acre, and his wife said that Danill was resolved to get 16s. per acre for it. Sworn in court.

John Woolcot\* deposed that Petter Tapin was sowing barley upon Goodman Noyce's ground and deponent asked him if that was his ground and he answered that it was not but he and his father had hired it to sow barley on. Deponent told him that he thought it was not common to let ground except for planting, and he answered that it was, for he and his father had also hired two acres of Daniell Pearce to sow with barley. He said he was to pay for it as it did prove, that is, it might be worth ten shillings and it might be worth twenty shillings, and they would halve it. Sworn in court.

Henry Jaques,\* aged about forty-five years, deposed. Sworn in court.

Nathanell Clarke deposed that he went to Danell Pearse, sr., to hire the living which was formerly his wife's and he told him to go to his son, etc. Thomas Knoulton, jr., deposed the same. Sworn in court.

Borsha (her mark) Knight and William Harris, her man, deposed that Petter Tappen and others were in their house, etc. Sworn in court.

John Bartlet, sr.,\* of Newbury, deposed that he was at Mr. Perce's house a little before he went to Cape Feare, and desired to have two or three bushels of rye, etc., and while deponent was there, a man came from Salisbury to borrow a yoke of oxen of said Perce, and he referred all to Daniell, jr. Sworn in court.

Nathaniell Wier\* deposed that he hired land of Daniell Perse, jr., etc. Sworn in court.

Shusan Topan, wife of Abr. Toppan, sr., deposed that the wife of Daniell Pearce, sr., told her, and her son Peter's wife Jane, that

\* Autograph.

Jury brought in a special verdict and the bench found for the plaintiff.\*

said Daniell and his wife walking together in the field after his return from Cape Fare, the latter told her husband that the land was let to Peter Topan. To this Daniell, sr., replied that he should never have it. His wife said, "Why husbände If he hath hired it it is fit he should have it he Answered he shall never have it." Sworn in court.

Abraham Toppan, sr., and Shusan, his wife, deposed that they heard the bargain made between their son Peter and Daniell Pearce, jr., etc. Jane Toppan† testified to the same. Sworn in court.

Percivall Lowle deposed. Sworn in court.

Daniell Peirce deposed that Topan said he would get one bushel of barley from his father, but he did not bring it and deponent sent his boy for it.

Thomas Knouelton, Willam Dowing and John Gould deposed.

Abraham Toppan, sr., deposed that his son Peter had forty-four bushels of barley from that land. Abraham Topan, jr., testified the same. The latter also testified that Daniell Pearce, sr., came upon the land with a cart and two oxen, Joshua Pearee being with him, and carried away two loads of the barley, and Daniell, jr., and Benjamin Lowle carried away one load, all of which was half of the crop, as it was made up into cocks. Sworn in court.

\*Writ, dated 19 : 1 : 1663, signed by Edmond Fawkner,† for the court, and served by George Abbott, sr.,† constable of Andover, by attachment of two oxen and a cow of defendant.

Tho. Abot, aged twenty-six years, deposed that being at the house of Richard Sutton the night the mare was killed, he heard a dog or dogs barking at horses in his yard, and when he went away he saw Goodman Sutton come out of his house and go into his yard and set the dogs on. After that he heard a ratling noise which he supposed was of the horses which he saw in the yard, and in a little while the dogs stopped barking and after that he heard a strange cry of a creature. Further he said that the next day Sutton told him that Mr. Bradstreet said that Sutton killed his mare, but it was not true, but that the dogs pulled her down once in the yard and Sutton beat them off, then they pulled her down again in Mr. Dane's yard and he could prove that Mr. Dane's and Mr. Bradstreet's dogs killed her. Deponent further testified that he had seen Mr. Bradstreet's horses in Goodman Sutton's yard eating up his cattle's fodder and had heard him call Mr. Dane's dog and set him on, but never could see him fasten on any of the horses. Further that said Sutton's yard had been

† Autograph.

Mr. Robert Paine, treasurer, assignee of Rich. Cordin v. Joseph Mussye. Debt. Verdict for plaintiff.\*

open all the winter to his lot and his lot to the street and the common. Sworn, 21 : 1 : 1663, before Simon Bradstreete.†

Nathaniel Ayers deposed that Archard Sutton told him that he struck a dog for fear he would kill one of the horses, etc. Sworn, 28 : 1 : 1664, before Simon Bradstreete.†

Special verdict: "Wee Finde a Mare of M<sup>r</sup> Bradstreetes killed As allsoe a Track of Blood from The place wher shee was killed To M<sup>r</sup> Deans Orchard Rails, & her Track Thorow m<sup>r</sup> Deanes orchard To Suttons yard, we find allsoe That Ther were severall wounds in her, w<sup>ch</sup> was Likly to be don by some Instrument, Either knife or y<sup>e</sup> Like, we allsoe Find That That mare was in his yard That night, and That he The s<sup>d</sup> Sutton set the dog or doggs on The Horses That were in the yard That Night that she was killed Allsoe we Find That before This Time y<sup>e</sup> s<sup>d</sup> Sutton have Threatned M<sup>r</sup> Bradstreetes Horses; and said, he would make some of Them Come short home & another Time following M<sup>r</sup> Bradstreetes mare said hee had That in his hand w<sup>ch</sup> would speed her iff hee Could have Come Att her."

\*Writ: Robert Paine, treasurer v. Joseph Mussye; debt; assigned to him by Richard Cordin in part payment of fine; dated Feb. 19, 1663; signed by Robert Lord,† for the court; and served by Robert Lord,† marshal of Ipswich, by attachment of land of defendant.

Joseph Muzzey's‡ letter of attorney, dated Mar. 29, 1664, to Hugh March in the suit of Mr. Robert Paine, sr., against him. Wit: James (his mark) Mirak and Wm. Thomas.†

Rich. Cording's† receipt in full from the beginning of the world, dated Feb. 27, 1662, to Joseph Muzzey. Wit: Wm. Thomas† and James (his mark) Merrieke.

On Mar. 5, 1662, Rich. Cording† assigned a bill to Henry Greenland. Wit: Richard Shatswell,† Humphery Willson† and Edward Colcord.†

On Apr. 8, 1662, Hen. Greenland† returned this bill to Richard Cordin. Wit: Henery Archer† and Richard Shatswell.† On the same day Rich. Cording† assigned it to Mr. Robert Paine. Wit: Henery Archer† and Richard Shatswell.†

Bond, dated Feb. 26, 1663, Joseph Muzzey† of Nebary to Rich. Cording. Wit: Wm. Thomas† and James (his mark) Merrieke.

Richard Cordinge, debtor, Jan. 16, 1661, to a note charged upon Mr. Todd, £2; to Thomas Harris p. my note, 12s. 6d.; March, to James Chewte, £1; March 10, to Thomas Harris, 10s.; total, £4 2s. 6d. Creditor, June 20, by profit and loss for a bill of mine, £4; by 1 Knob bitt, 2s. 6d.; total, £4 2s. 6d.

† Autograph.

‡ Autograph and seal.

Barshua (her mark) Knight, aged about forty years, deposed that the last year about the time when it was said that Mr. Cording had received a bill of Joseph Muzzey, deponent asked Mr. Cording why he did so trouble Joseph Muzzey as to get away his means from him in such a way. Mr. Cording replied "Joseph have spoaken foolishly to my disparidgement, But for his part he did not intend to have a penny from him, I said Joseph do use to speake foolishly when he intends no harme I thinke to none, but thereby did himsele iniury said m<sup>r</sup> Cording I never had any thing to do w<sup>th</sup> him but once & he paid mee honestly & what there is now betweene us of matter of difference I have or I will for your sakes freely forgive him all and will not have a penny of him & so gave us his hand upon itt M<sup>r</sup> Cording spake to vs as if he did but intend to frite him a little in doing what he had done." Sworn in court.

John Knight, jr.,\* deposed. His wife mentioned. Sworn, Mar. 28, 1664, before Samuel Symonds.\*

John Willcott deposed that Josefe Mossie told him that he hoped he should never have to pay the bill of ten pounds which he gave to Mr. Cording, etc. Sworn in court.

Wm. Thomas\* deposed that he believed that Joseph Muzzey was so affrighted with Mr. Cording's threatening and great words that Joseph was hardly himself when he put his hand to the bill of Mr. Cording.

James Merrick deposed that Mussye asked Cording to give him an acquittance that he might not sue him again for slander, to which Cording consented, and told him that he would burn the acquittance and the bond, etc. Sworn in court.

James (his mark) Merrick testified that on Feb. 26, 1662, Mr. Cording being in Mr. Thomas' house "in the Rome where I doe now dwell, and desireing to speak with Joseph Muzzey, he sent Iserell webster to desire Joseph Muzzey to come downe to m<sup>r</sup> Thomases house that he might spake with him, about sunsett Joseph Muzzey being come downe, desired to know what m<sup>r</sup> Cordings buisenes was with him: Cording giveing him many Revileing and threatning speeches sayd; you Rogue you shall know: you have abused me and taken away my Reputation, which I vallow at a thousand pound for I am a Gentleman and live by my praectice Joseph Muzzey Replyed; wherin have I taken away your Reputation? I am Innocent herein. Mr. Cording Replyed you have Reported I was naught with Sarah miricke and the Report of it is at Ipswitch; and m<sup>r</sup> Cobett told me that one Joseph Muzzey of newbery did thus Report of me, and that m<sup>r</sup> Symonds did tell him the same, and that they were much greived to heare of this miscarriage So soneafter that about goodey Roffe Joseph Muzzey Answered. that he never reported any such thing of him, Whereupon Cording Reade an attachment to the vallow of five hundred pounds to him, to Answer his Complaint at Ipswitch Court for

\* Autograph.

Mr. Robert Paine, treasurer, assignee of Rich. Cordin v. Mr. Peeter Duncan. Debt. Verdict for defendant.\*

Mr. Philip Nelson v. John Woolcott. For 100li. forfeited by non-performance of a covenant. Nonsuited.

Mr. Philip Nellson v. ——— Pickard. Debt. Nonsuited.

Peeter Nash v. Edward Clark. Withdrawn.

John Layton was sworn constable of Ipswich, William Chandlour for Newbury and Isaack Estow for Topsfield.

John Sorlah, Richard Longhorne, Mr. Moses Mavericke, Moses Pengry and Mr. Baker had their licenses renewed for a year.

Andrew Peeters had his license renewed and to sell by the quart.

Abraham Perkins was licensed to still and sell by the quart.

John Clemants was licensed to keep an ordinary at Marblehead for a year.

Thomas Barnes of Salem, dying intestate, Mary Barnes, his widow, was appointed administratrix of the estate, and ordered to bring in an inventory to the next Salem court.

Robert Rogers, dying intestate, Susanah Rogers, his widow, was appointed administratrix of the estate, and ordered to bring in an inventory to the next Salem court.

Mr. John Gardner, administrator of the estate of John Comings,

saying he Committed vncleanesse with Sarah Miricke Joseph mussey Replyd I never reported any such thing in my life; Cording Replyd you lye, like a Rogue for you did and I can prove it, by two wittnesse upon oath, therefore if you doe not compound with me I will Carry the Attacchment to the Constable and he shall serve it upon your estate and person this night || to || the vallew of five hundred pounds And I will sease upon all that you have locke up your dore and take away the keye and you shall not have the use of any thing you have and so I will Carrey you to prisson and Furthermore Rich. Cording sayd that major Denisson told him that if Joseph mussey Came to the Court about this buisnese he should be severely whipte and this did so much terrifie Joseph Muzzey that drew him into this snare aboutt the bill now in Controversy together with other Threatnings." Sworn in court.

Isrell Webster deposed, Mar. 28, 1664, that Cording said to Joseph Muzzy, "Sirrah If I had you in France or in Spaine I wold take another Course with you. These threatnings did take much impression upon Joseph Muzzey as might appeare by his Countenance which did much terrifie him with feare." Sworn in court.

\*Bond of Peter Duncan† of Gloster, gentleman, dated June 29, 1662, to Richard Cording for four pounds. Wit: Samuells Epps.†

† Autograph.

presented an inventory amounting to 47li. 14s. 6d. Court ordered him to pay the debts and to keep the rest of the estate until the court take further order.

George Fraile of Lynn, dying intestate, Elizabeth Fraile, his widow, was appointed administratrix of the estate. An inventory amounting to 184li. 14s. was brought into court. Said Fraile left one son and four daughters. Court ordered that the son have 40li. and the daughters 20li. each at age or marriage.

William Beard, dying intestate, John Devrix was appointed administrator of the estate and ordered to bring in an inventory to the next Salem court.

Sarah Smith came into court and chose Daniell Wickam, her brother-in-law, as her guardian. The latter was bound to pay said Sarah her portion when it was due.

Mr. Epps undertook to pay the charges for his servants, George Stimson, John Bevour and John Palmer, that the court had ordered.

Mr. Georg Corwin, having paid 10li. to John Woolcott about the bridge at Newbury, was discharged of the 10li. he engaged to pay for Joseph Dalaver's fine.

This bill was assigned to Mr. Robert Paine, on Apr. 6, 1663, by Rich. Cording,\* Wit: Theophilus Wilson\* and Simon Stace.\*

Martha Harris, aged about thirty-five or thirty-six years, deposed that Mr. Duncan paid her 22s. 6d. for Mr. Cording, and the latter acknowledged that he was fully satisfied. Cording also told deponent that whenever she would call for Mr. Duncan's bill, he would deliver it to deponent and this was before the imprisonment. Of this money, 12s. 6d. was paid a good while before he went in to the prison. She left 10s. of it in Mr. Duncan's hands for such things as she had occasion for, etc. Hanah Gallop, aged about seventeen or eighteen years, deposed the same. Sworn in court.

John Tod testified that Mr. Cordin received of him 39s. 6d. for which sum Mr. Cordine said that his bill that he had of Mr. Dunkcone was as good to him as money. Deponent paid that amount for Mr. Dunkane to Mr. Cordin, etc. Sworn in court.

James Chute deposed that Mr. Cording gave him a note to Mr. Peter Duncun for him to pay deponent 20s. before said Cording was committed to Ipswich goal, which was done, Cording saying that it was in part of Mr. Duncan's bill. Deponent asked Mr. Cording to write a note to Mr. Duncan to pay Martha Harris a debt which said Cording owed her, which was for fourteen or fifteen shillings, etc. Sworn in court.

\* Autograph.



William Sergent, Edmond Clerke, Thomas Millett and Jacob Davis of Gloster, and John Redington, Thomas Perkins and Edmond Towne of Topsfield and Thomas Newman of Ipswich were made free.

John Cooke was ordered to be whipped for his great misdemeanor at the meeting house in the time of ordinance.\*

John Meager and Mary Davis were admonished about the criminal part of their charge and were ordered to pay costs to Ossmund Dutch.†

Joseph Trumble came into court and chose his brother, John Trumble, as his guardian. The latter was bound to pay said Joseph his portion when it was due.

\*William Tompson deposed concerning John Cooke's offence. Sworn in court.

†Hanna Verry, aged about twelve years, deposed that she was at Goodman Prince's house when his wife lay in, Mary Davis being her nurse, and Goodman Prince at that time was at deponent's father's house, Thomas Verry's. Goodwife Prince desired her husband to be sent for and deponent went with Mary Davis, it being very late in the night, about eleven or twelve o'clock, and when Mary returned instead of going home, she desired her to go in the opposite direction to Goodman Duche's house. Deponent said that she must go home and go to bed, but Mary told her that she would go back with her. Said Mary knocked and called at the door, and Goodman Duch did not make any answer, but John Meagers asked who was there. Mary answered "a maide." Then Meagers came to the door and whispered a while with her and Mary pushed deponent away and went into the new room. Deponent stood at the door and called to Mary to go home with her but the latter said she would stay with Mary Duch, so Hanna went home alone.

Osmond Dutch deposed, Jan. 19, 1663, that his daughter Mary saw Mary Davis in John Megus' bed in the morning, and that Megus told deponent that he went into his other cabin. Sworn before Samuel Symonds.‡

On Jan. 21, 1663, John Megus was bound for appearance at Ipswich court, William Canning, surety, and John Davis was bound for his daughter Mary Davis' appearance before Samuel Symonds.‡

Grace Duch, aged about fifty years, testified that she was called in the night to a woman who was not well and when she came home in the morning, her husband told her what had happened. Meager said he wondered that his landlady Duch did not hear Mary Davis, etc. The latter had been around with the "Showlers" that night.

‡Autograph.

Zacheus Curtice, for whipping the daughter of George Hadley, was sentenced to be whipped and pay costs.\*

Court having been informed that Mr. Goose died many years ago and that there was no will found or proved, nor administration granted, and that Mrs. Goose was distracted and not able to provide for herself, the town of Salem having been at great expense to support her for several years, administration upon the estate was granted to the selectmen of Salem. They were ordered to bring in an inventory of the estate of William Goose, deceased, to the next Salem court, with a bill of the charges for Mrs. Goose.

John Millington was sentenced to be whipped or pay a fine of 10li. for his great misdemeanor, and also to be bound to good behavior. John Gould agreed to pay the fine. Millington was bound in 20li., John Gould and Daniell Clarke, sureties.†

Meager continually jested about it, but Goodman Duch told him he might be presented for it, etc.

\*Complaint of Mary Hadly against Zacheus Curtious: "My unke sent me to a feeld of corne to see whether there was any cattil in it about halfe amile of it was: and when I was goone by Thomas bauers hous where Zacheus curtious was and he folowed me and ouertooke me and he had a rod and he whipt me with that and then he let me gooe and puled another rod and he over tock me agayne and whipt me with the 2 rod with my feet under his armes and my head on the ground and then he let me gooe and gathered two rods and ouertwoke me and mad me pull of my cots and whipt me with both them rods the thurd time and then he let me gooe agayne and got another rod and whyp me with that rod also which was the fifth rod and then he bid me gooe and dress my selfe but afore he whipt me the second time he would a had me to a gone in to a swomp and I would not: and when I tould him that I would tell my aunt he sed he would whip me fower times as much." Sworn, Mar. 12, 1663, before Daniel Denison.‡

Topsfeld presentment, Zaccheus Curteous, son of Zacheus Courteous, for whipping and misuing several children. Wit: Mr. Perkins, John Wiles, Francis Pabody and John Gold.

† — — — deposed that in January, 1663, her brother Edmon Bridges asked her to go to Salem with him but she stayed in their house while he and his wife went. John Milinton offered uncleanness to her and she told him that she would not yield to him for all Topsfeld. Then he went away to the fire and prayed that deponent would forgive him, etc.

Sarah Bridges, aged about thirty years, deposed that her sister sent John Milinton to the house for some meal, etc.

‡ Autograph.

John Attkinson of Newbury was bound for his appearance at the next Ipswich court.\*

Samuell Hunt, for his great misdemeanor with mutinous and seditious words and carriages both at the meeting of the regiment and the last second day at the training, was sentenced to be disfranchised and cashiered the company for bearing arms and instead of training to pay 2s. per day to the use of the company. He was further ordered to be committed to prison until he pay a fine of ten pounds, and also to be bound to good behavior. Samuell Hunt and Joseph Reding, sureties.†

\*John Godfry also presented.

†“To the Honored court now assembled at Ipswich The humble complaint of Walter Roper sheweth that being by command from our officers drawn in march unto the wolphen playne, and there commanded to cleare the sayd plaine to fit it for the exercise of the Regiment the next day; There was one Sammuell Hunt of this towne, who as this complainant conceiveth, did speake mutianously and to the abuse of authority here established, which I will leave to the prooffe of further evidence, which I conceive, I am bound by the oath of a free man to acquaint authority with. Witnesses: John Caldwell, Serjeant French, Robert Lord, martiall, Jacob Perkens, Thomas Lord and Joseph Browne.”

Robert Lord, marshal, deposed that being at the wolphen plain the first day of general training, there were some who refused to help clear the plain. Samuell Hunt countenanced them in it by saying that the Major had done more than he could answer and that he would maintain it before all the world. Further Hunt said that if the Major or any other officer commanded him to dig up stumps, he would not, and when Sergt. French commanded him to assist him in carrying some offenders out of the field, he refused, and Sergt. French told him he would complain of him to the Major. Sworn in court.

William Pricet testified that he heard Goodman Hunt say that if there were not more liberty in the choice of officers, they would divide the company and train by themselves. Sworn in court.

John Caldwell deposed that after Major Denison had appointed the company to clear some stumps and other logs, Sammuell Hunt said that the Major had no right to set the company about such work at such a time, and that he went beyond his power. Also if any were punished for refusing, he knew that there would be a great disturbance in the country, for there were hundreds in the country of his mind. He spoke several times to this purpose. Sworn in court.

Jacob Perkens deposed. Sworn in court.

Joseph Browne deposed that the last second day when they

Marke Quilter, presented for striking his wife, was fined.\*

Marke Quilter, upon complaint against him for striking the wife of Richard Shatswell, was fined and bound to good behavior. Richard Shatswell was allowed costs.†

were exercising their arms with Sergt. Clarke, Samuell Hunt and John Gidding were speaking about choosing officers, etc. Sworn in court.

Thomas Lord deposed. Sworn in court.

James Coalle testified that "I heard a man that had a leather paire of Briches and a flaske hanged on a chaine the last training day after traingeing upon the greene say that if they might not have the choyse of ther officers they should lay downe ther armes and traine noe more if they would stand by him." Sworn in court.

Sergt. Thomas French deposed that being ordered by Major Genll. Denison to carry two soldiers who were stubborn off the field to prison, he went to them and presuaded them to submit themselves, promising to mediate for them. Samuell Hunt told them rather to go to prison, etc. Sworn in court.

\*Mrs. Greene testified that being at the house of Marke Quilter that winter, she heard the tongs clang and heard his wife cry out and say, "This is a braue Cullar for your Rogery to make Mrs. Greene beleeve you strike the pigg when you strike me." Robert Punell saw said Quilter strike his wife. Sworn in court.

Ipswich presentment. Wit: Robert Funnell and Mrs. Greene.

†Richard Shatswell's complaint against Marke Quilter, for cruel misusing of said Shatswell's wife by coming to her and violently taking her from the chair on which she sat, throwing her down on the floor, her head against a door, her neck being doubled, then taking her up, and continuing violent shaking and thrusting her out of the house. And although he had so bruised her that she could stand only on one leg, he was so cruel that he would not give her leave to stay to recover her breath, when she asked him, all of which was done without any provocation.

Johanah Greene testified that Goodwife Quilter had "divers times com to my dafters house and beged of hir to goe over to the sayd Quilters and sit and worke with hir to bare hir company; and my dafter hath oftentimes refewsed: and I have tould hir that she might doe up hir worcke and goe to another bodys house beter then thay that have a great family can goe to hirs and allso goody Quilter beged very hard that day at my dafter and good wife brewer to go over thare and bare hir company that very day shee was hirt: and firther goodman Quilter hath bin her divers times very familiar and good wife Quilter last fridy night did one that my dafter did not give hir husband that is Quilter any provocking words."

Mary Brewer testified that she saw a bruise on Goodwife Sachwell's thigh the day that Goodman Sachwell went to the honored Major's house to complain against Mark Quilter.

Symon Tuttle, for his seditious and mutinous carriages, was sentenced to be committed to prison until he put in a bond of 200li., with sureties in 200li. more for his appearance at the next General Court of election at Boston, the day after the election,

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Rebeckah Shatswell testified that "being out of doers shee saw Abigall leads goe to Quilters shee having acasion to specke with hir went thether allso and presant after cam in marcke Quilter and asked his wife for sum victles his wife answered what need you be so hasty this deponant answered it may be he had not his breckefast and his wife said yes two ouers be fore he eat meate: and answered apooer deale: his wife answered thus loocke heare of my potidg: whether I did not boyell a good deale of meate this deponant answered it may be you might boyle a good dele and eate it up your selfe then said Quilter hould you your prating this deponent answered I prate no more then you Quilter said I wonder folcke will com to my house this deponant Answered I doe not intend to trubell you I came to specke with good wife leads then said he what do you sit lasing ther for this deponant answered I lase no more then you, considring my stringth then hee cam with voylans," etc.

Elizabeth Roper deposed that she heard Goodwife Sachwell say that Mark Quilter had warned her against coming to his house, but it was no more than he has done to his other neighbors, etc.

Joseph Browne deposed that Simon Tuttele said at Goodman Roper's that Goody Sachwell had been warned, and she was "Right enuf sarfde" for going there.

The wife of Marke Quilter testified that if Goodwife Shatswell had gone when her husband told her to, he would not have used violence, also that she came often to her house to borrow things which said Shatswell knew to be against her husband's wishes, also her children were often laughing at him and provoking him. That the Thursday before this happened deponent told Goodwife Shattswell that her husband objected to her coming to his house and she wished she would not come except when he was not at home.

Abigail Leeds deposed. Sworn in court.

Goodwife Marchant, aged about fifty years, deposed that she heard Richard Shatchel's wife say, when Quilter was angry with his wife on account of something which had been done with his bed, "if I had such a husband I would make all fly."

Sarah Tuttell, aged nineteen years, deposed that she heard Goody Quilter say that her husband "did not forwarn Coson Shatswill of his House."

Goodwife Leds and Mary Shefiled testified that Goodwife Quilter said she wondered that her husband would do so by Goody Shatswell because she thought she wheedled with him as little as any woman.

and to be of good behavior in the meantime. Richard Shatswell, William Evans and John Gould, sureties.\*

James White confessed he said to John Cauldwell "w<sup>t</sup> are you goeing to give in another evidence agst. Goodman Hunt, it was replied let me alone & goe about your business he replied that is my business." He was bound to good behavior until the next Ipswich court.

Thomas Bishop was to have 6li. paid to him for John Woolcott.

Thomas Boreman, having been formerly released from training, paying something yearly to the use of the company and being behind several years, upon his wife's petition, court granted one half of what was in arrears remitted, if he paid to the clerk of the company the other half. Also that he be released from training for time to come.

John Wiate was released from training.

Tho. Grant, aged thirty years, deposed. Sworn, Apr. 1, 1664, before Daniel Denison.†

Simon Tuttell, aged twenty-nine years, deposed that Coson Shachwill said, etc.

\*"The humble petition of Symon Tuttle

"To the Honored court now sitting at Ipswich Humbly sheweth y<sup>t</sup> wheras your worships have received a complaint against me, I acknowledge the same to be iust and that what I spake was pverse and sinfull, and of a very haynous nature, and therefore I cast my selfe at y<sup>e</sup> feete of your justice and mercy, and if || you || should censure me acording to the demerritt of my great offence I have noe reason to complaine, what I have spoken I confesse is much of the nature of that which sometimes Shimen spake against david, & I may truly take up his words, y<sup>t</sup> your servants doth know that he hath sinned, and I am hartilye sorry for my soe great Folly and with him I humbly request that your worships would not impute iniquitye to me, neither remember what your servant did perversly speake, against the laws & authority of this country & that I (though unworthy of it) may have the benefitt of your Clemency, and I trust by the helpe of God I shall not alow my selfe heerafter, for ever speake well as of your selves psonally, soe of the laws & government heere established, but stir up others to doe the like, and if I shall ever speake soe vildly againe, I shall never open my mouth to request the like favour, as desiringe the very strictnes of iustice ags<sup>t</sup> me; be pleased therefore but this once to pittie me, and pas by this my offence and you shall for ever ingage your poore petitioner to honer you & speake highly of your clemency  
"Symon Tuttle."†

† Autograph.

Joseph Reding was released from trainings, paying 5s. instead of 6s. 8d. for the use of the company.

Thomas Prince of Gloster was released from ordinary training.

Mr. Daniell Epps complained against Stephen Godwin, George Stimson, John Beaver and John Palmer for stealing and killing two hogs, for breaking his house and stealing several goods and for threatening his servants and children if they discovered it. The jury found Stephen Godwin guilty of all three particulars in the indictment and George Stimson and John Bevoir guilty of the two former. They were all ordered to pay treble damages for theft, to be severely whipped and to allow their master more for loss of time, Stephen Godwin a month and the others a fortnight each and said Godwin to be bound to good behavior. John Palmer, because he confessed at first, was given liberty to redeem his whipping by paying a fine of 40s. Said Godwin was committed to prison, for want of security, for good behavior. Court ordered that upon security given for his departure out of this jurisdiction by two members of this court, he was to be released from his sentence of imprisonment.\*

Court adjourned to May 5.

The foregoing is a copy, the original having been sent to the court of election, made by Robert Lord,† cleric.

Theophilus Willson and William Pritchett testified that "the day before the Court being training day, we being upon the meeting house greene Symon Tuttle being there looking on the souldyers, the sayd Symon broke out into these words, upon ocation speaking of the libertie of the choise of officers, he sayd it were better to live in turkye than heere, wherupon William Pritchett sayd to him, not soe, for it is better heere then there, and if you weare there, you must be subject to the Laws and Government of the same and soe you must heere, wheryon he made slight of o<sup>r</sup> laws heere and spake contemptuously of them, and sayd if he weare in England againe, he would soone have our laws and law makers layd neck and heeles, and further sayd if we cannot have the libertye the King gave us, we would winn it by y<sup>e</sup> edge of the sword, and further saith, but we have lost our opptunitye, but we hope we shall gaine it againe, though the Friggotts be stopt for the p<sup>r</sup>sent, And that the Gouverment of the Country, was in a few sneakeing fellows hands, and hopt we should have a turne and upon a brush would soone be cutt off and have our necks from under the yoke." Sworn in court. Copy, the original having been sent to the court of election, made by Robert Lord,† cleric.

\*Mr. Epps, complaining of great wrongs done to him by his

† Autograph.

## COURT HELD AT SALISBURY, APR. 12, 1664.

Jury of trials: Isaac Buswell, Sam. Fellos, Rich. Currier, Henry Blasdall, Jos. French, Jno. Robinson, Willi. Godfrey, Lt. Ben. Sweat, foreman, Godfery Dearebourn, Wm. Samborne, Henry Moulton, Bartholemew Heath, Jno. Haseltine, Henry Roby, Rob. Smithe, Bartholemew Heathe, Ed. Clarke, Jno. Samborn, foreman,

servants combined together in stealing his goods and threatening the younger persons, children and others with death, George Stimson appeared before Samuel Symonds,\* and confessed his having a hand in the business of the hogs which were killed, also in taking the provisions out of the rooms locked up to put them in by a way made purposely to steal them. Said George being committed to prison was bailed, his master and himself being bound in 40li. for his appearance at the next Ipswich court. Stephen Godwyn, another servant of that family, was committed to the next court.

John Befer, upon examination, said that he knew of the killing of his mistress' pigs and that Stephen and George killed and dressed the flesh but he did not help them. He was in the council, however, and partook in eating thereof. Also that John Palmer and Stephen killed the second hog and he helped make the fire for it, that Stephen suggested to him breaking into the room wherein the house provisions were put under lock and key, that after Stephen had loosened the board, he helped to pull it up and himself, Stephen and Palmer went down and took cider, strong beer, pastry and cheese and all three of them went down several times through the place opened, and took sugar, plums, marmulet and butter. Also that Palmer, by putting his arm into a locked cubbard by means of a pin loose in the ledge, took out the key of the cellar. That there was some linen used, but what was washed and returned he did not know, yet he thought that one napkin was brought to be washed, and that he and Palmer did take powder and shot. That it was a usual thing to seek for and take the eggs from the family for themselves. Also that there was a young fat shote found dead where the hogs lay, that it was warm and that Stephen carried it about sixty rods from the house, lest his master should make them eat it. That there were plenty of victuals provided for them always.

John Palmer, upon examination, said that Mary Bray, servant in the house, also partook with the others. He also heard Stephen threaten Bonde, aged between ten and eleven years, that if he did tell of his doing, he would take him by the heels and knock out his brains. Also that all were afraid of Stephen.

Will of Gershom Lambert of Rowley, dated Mar. 16, 1664, proved in Ipswich court, Mar. 29, 1664, by Samuell Brocklebanke and Ezekieil Northend: "I giue my Ant Rogers my horse, and I giue my brother John Lambert my cloath coate, and my Bootes and

\* Autograph.



Wm. Osgood, Lt. Phillip Challis, Sargent Stevens, Georg. Goldwyer, Jno. Eaton, Umphrey Wilson, Nath. Boulter and Rodg Eastman in Davis' case, Wm. More, Rob. Tuck, Jno. Smith, Tho. Levitt, Joseph Merry, Tho. Davis, Jno. Eyer, Tho. Barnard, Ric Wells, Jno. Weed and Archelaus Woodman.

Isaac Buswell, Tho. Levitt and Tho. Davis were fined for absence from jury.

Peter Eyer v. Ed. Clarke. Appeal from a judgment of the commissioners of Haverhill in an action for not returning 7li. of Indian corn and 1 1-2li. of wheat, levied by an execution for Jno. Godfrey. Jury found for the plaintiff, reversing the judgment of the commissioners.

Edward Clarke v. Abraham Whitticker. For not defending plaintiff from damage concerning the action which was commenced by Jno. Godfrey against said Whitticker at the last Court of Assistants according to his engagement in his letter of attorney to said Clarke. Verdict for plaintiff.

Town of Hampton v. Natt. Boulter. Review of an action tried at last Hampton court, concerning the title of one hundred acres of land in Hampton, which defendant claimed by a sale from Jno. Barrett. Verdict for defendant. Appealed to the next Court of Assistants.

I giue my best suite to my brother Thomas Nelson and I giue to John Spaffard, senior a gray jacket and breches, and I giue to Charles broune two paier of shooes, and two paire of stockings and I giue the rest of my cloaths to Richard lighten, and I giue to my cousen elizabeth platts fuety shillings, and I giue to my brother thomas lambert my pistells, and my sward and my sadle a — my breast girt and I giue the halfe thousand Acres of upland — the meddow proportionable to the halfe thousand Acres of upland which my Ant Rogers gaue me which lieth in the bounds of Rowley, which lieth in the diuisian of land commonly called Rowley uillage. I giue this land to my brother Thomas Nelsons children, equally to be diuided amongst them that is the children I meane which my sister An hath by my brother Thomas Nelson, and all the rest of my estate I giue to my brother Thomas Nelson, and I make my brother Thomas Nelson executor," etc. Gershom (his mark) Lambert.\* Wit: Samuell Brocklebanke,† Ezekiel Northend† and John Brocklebanke.† "This will of Gershom Lamberts was Read unto him and he owned it in euery of the p<sup>r</sup> tickulers of it and set these leters of his name and his seal to it," in presence of the witnesses.

\*Seal.

† Autograph.

Abraham Drake v. Isaac Cosens. Debt. Due upon bill and a weanable mare colt which should have been delivered at Hampton and four pounds more in goods at price current to be delivered at Boston, all of which should have been paid in the year 1662. Verdict for plaintiff.

Jno. Colby v. Town of Salisbury.

Jno. Colby, son of Anthony Colby, deceased, the lawful possessor of the estate of Mr. Sam. Groom, mariner, lying in Salisbury, with all town rights and privileges which were sold to said Colby, as appeared by a bill of sale made by Dan. Peirce, substitute from Phillip Wollidg, the agent or attorney of said Groom, and now by division of the estate of said Colby, in an action for refusing to own said Colby a townsman and denying to grant him equal town privileges with other townsmen upon the account of Mr. Sam. Groom, he being admitted townsman by the said town of Salisbury as appeared by town records. Verdict for defendant.

Tho. Barnard, jr. v. Mary Peasly, widow. For refusing and neglecting to make good to him a certain legacy of house and lands given to Sarah Peasly, who is now said Barnard's wife, by said Joseph Peasly in his will. Verdict for defendant.

Ed. Goe v. Town of Salisbury. For denying him a right of commonage, which he bought of Josiah Cobham in said town, and refusing to let him have the rights and privileges belonging. Verdict for plaintiff.

Rob. Ring v. Jno. Severans. For breach of bond in not prosecuting the appeal, in the action between said Ring and the town of Salisbury at last Salisbury court, at the next Court of Assistants. Verdict for defendant.

Israell Wite v. Capt. Rich. Waldern. For withholding the estate of plaintiff, which was committed to said Waldern when he was guardian for said Wite. Verdict for plaintiff. Appealed to next Court of Assistants. Mr. Peter Coffyn and Capt. Bryan Pendleton bound. Owned in open court, Tho. Bradbury, rec.

Tho. Davis v. Jno. Hutchins. Debt. For beef, butter, cheese, bacon and work. Verdict for plaintiff.

Tho. Davis v. Jno. Hutchins. Forfeiture of a bond. Verdict for plaintiff.

Mr. Ed. Rishworth and Ric. Stileman, administrators of the estate of Mr. Edw. Lyde, deceased, or any attorney for them v. Joseph Davis. Debt. Verdict for defendant.

Capt. Pike, attorney to the Worshipfull Mr. Francis Dove of Salisbury in old England v. Edward French. Trespass. For mowing the grass and carrying away the hay off a piece of meadow or marsh belonging to said Mr. Dove, which marsh lay by the beach in Salisbury, by a sweepage lot formerly Mr. Hal's and thereby claiming title of said marsh for several years last past. Verdict for plaintiff.

Rev. Mr. Wheelwrite, planter v. Phillip Toule. For refusing to deliver him possession of a house and land in Hampton, to which said Toule pretends a right by virtue of a sale from Robert Nanny, late deceased.

Matthias Button acknowledged judgment to William Marston, sr., of Hampton.

Jno. Severans v. Robert Ring. Debt. For entertainment and for pay disbursed to Mrs. Woster, now the wife of Mr. Symonds, for him.

Wm. Barns, Phillip Challis and Jno. Weed v. Rich. Currier and Willi. Osgood. Trespass. For felling and carrying away their timber or pine trees from the tract of land which was granted by the town of Salisbury to Wm. Osgood and by him to said Barns and others. Verdict for defendant.

Will of William Deale of Haverhill, dated Feb. 14, 1664, presented to court but not proved, the administratrix, as she was called, refusing to have anything to do with the will. He bequeathed to "my deare and Loveing wife Mary Deale all my Lands and goods to be att hir disposall, I doe will y<sup>t</sup> my two Children shall have twenty pounds A pece when they Come at age or day of Marridge; I doe Meane att twenty one yeares: and sixtene yeares y<sup>t</sup> y<sup>e</sup> twenty pounds shal be payd I doe make my deare and Loveing wife Mary deale Administratrix of my whole Estate." William (his mark) Deale.\* Wit: John Carleton† and Phill. Challis.†

Writ: William Cottell v. Thomas Mudget; debt; dated Nov. 17, 1663, signed by Anthony Somerby,† for the court; and served by Thomas Barnard,† constable of Newbury.

Writ: Christopher Palmer, attorney for John Casse v. Henery Greene; for a parcel of land which said Greene sold to said Casse, by bill of sale dated Sept. 1, 1657; dated 7 : 2 : 1664; signed by Samuell Dalton,† for the court; and served by Abraham Drake,† marshal of Hampton, by attachment of defendant's mill.

Writ: John Warrine v. Humphrie Willson; for not paying twenty pounds according to covenant; dated 18 : 10 : 1663; signed by Samuell Dalton,† for the court; and served by Abraham Drake,†

\* Seal.

† Autograph.

Ordered that Capt. Pike, Mr. Tho. Bradbury and Leift. Phillip Challis make a division of lands between widow Peasly and Sarah Peasly, now wife of Tho. Barnard, jr., and the housing, according to the will of Joseph Peasly, as soon as they can conveniently.

John Hutchins owned he had two quarters of beef.

Tho. Hoyt and Tho. Jonson were admonished and fined for going away disorderly from their master Walter. Also Walter Tayler, for using cursing speeches to his servants, was fined. Jno. Hoyt, sr., was admonished for entertaining his son, being servant to Walter Tayler.

Jno. Gillman, sr., Robert Jones, James Kid, Jno. Fulsham, jr., Denis Skalion and Jerime Cano, having been bound for the appearance of Francis Pafat, to answer a complaint of committing fornication with Margerite Dudley, and not bringing said Pafat to court, their bond was declared forfeited. Pafat was to pay for keeping the child.

Moses Gillman was fined for neglecting to set or keep the constable's watch at Exiter last year.

Henry Roby, for his high misdemeanor in reviling the ordinance of baptism and reproaching the minister, was admonished and bound to good behavior.

Jno. Severans swore to his book of accounts.

Widow Peasly and Jane Flanders, for railing carriages and misbehaviors, were admonished and fined.

marshal of Hampton, by attachment of two cows, one heifer, a calf and yearling of defendant's in the hands of John Browne.

Writ: John Warrin v. Humphrey Willson; debt due from Mr. John Legate, for which said Willson was liable, having seized upon the estate of Ann Leggate, relict of Mr. John Leggat, without getting administration or giving in an inventory; dated 30: 1: 1664, signed by Samuell Dalton,\* for the court; and served by Abraham Drake,\* marshal of Hampton, by attachment of a cow and calf in the hands of Josephe Mere, a steer at Nathanell Bachelor's and a heifer in the hands of John Garland of Hamton.

Writ: Jno. Severans v. Rob. Clements; debt; for entertainment at his house and for entering one action at Salisbury court, 1663, part of which was to be paid in money, butter or wheat about Michaelmas last; dated 31: 1: 1664; signed by Tho. Bradbury,\* for the court; and served by John Griffing,\* deputy constable of Haverhill, by attachment of ten acres of land near John Page's house.

\* Autograph.

Henry Roby and Willi. More were bound for the former's good behavior. Owned in open court, before Tho. Bradbury, rec. To pay Fifeild. This bond was discharged.

Mr. Samueld Dudley was ordered to have 36li. of the 40li. forfeited by Jno. Gillman of Exiter and was bound to save the town of Exiter harmless from all charges for the keeping of the child of his daughter Margerite, which she laid to one Frances Pafat. Mr. Sam. Dudley owned this bond in open court before Tho. Bradbury, rec.

Jo. Samborne, Sam. Dalton and Jno. Redman bound for the town of Hampton in an action between said town and Nat. Boulter for prosecution of appeal at the next Court of Assistants. This bond was owned in open court.

The county treasurer was ordered to pay to Abrah. Pirkins what the county owed him as soon as he could get so much of the county's estate into his hands.

Town of Salisbury was ordered to pay fine for not prosecuting their appeal from a judgment in a case at Salisbury court, 1663, between Robert Ring and said town. Fine respitted.

The presentment against old Marston was postponed until Hampton court.

The widow Willix of the town of Salisbury being in no capacity to order and improve her estate by reason of a strange kind of distracted and distempered condition that she had been in for a long time, it was ordered that Capt. Tho. Bradbury, Richard Wells and Edward French take care of her estate for her comfortable subsistence, to see her house finished, according to agreement with Wm. Osgood, and in case of need to sell part of her estate for the finishing of the house and procuring stock.

To the marshal, for carrying a warrant for the Quakers.

To Fifeild, for carrying a special warrant for Roby.

Whereas this court was informed by Sam. Winsley that he had delivered to his mother, Mrs. Anne Winsley, 20li., also to deliver what estate was in the inventory to her when she required it, court accepted this as an answer to said Mrs. Winsley, there being no estate to make good the bond given by Mr. Winsley to make good her jointure or annuity.

Capt. Robert Pike, Mr. Tho. Bradbury and Rich. Wells took the three men's oath.

Henry Brown sworn constable of Salisbury for the ensuing year.

Jo. Severans was licensed to keep the ordinary for the town for the ensuing year.

Robert Smithe, administrator of Rob. Read of Hampton, deceased, presented his account, and the 7li. 2s. 6d. due to said Smithe, was ordered to be paid him out of the rent of the house at Boston.

Allowed 6s. to the servants of the house, and 4s. to Jno. Ilsley.

Adjourned to the second fifth day of June next at the ordinary at Salisbury at ten o'clock in the forenoon.

COURT HELD AT IPSWICH, MAY 5, 1664, BY ADJOURNMENT.

Mr. Thomas Gilbert and Joseph Bigsbye of Topsfield were made free.

John French took the oath of fidelity.

Jacob Foster of Ipswich made free.

William Nelson, being convicted of stealing six pieces of beef from Thomas Bishop, was sentenced to pay 12s. to Goodman Bishop, the beef being returned, and to sit one hour in the stocks.\*

William Downeing and Joseph Lee were fined upon their presentments for breach of the peace.†

Caleb Kimball, upon his presentments for striking Symon Tuttle and for breach of the peace, was fined.‡

Richard Shatswell, upon his presentment for breach of the peace, was fined.§

\*Ipswich presentment. Wit: Daniell Denison and Nathaniell Domine.

†Ipswich presentment. Wit: Samuel Myhill, Twiford West, John Chowt and John Low.

Samuell Frensh, deposed, Mar. 10, 1663, that upon a lecture day after lecture he went into Thomas Bishop's house. There he saw Leigh and Downing shoving one another in the corner. Joseph Leigh shoved William Downing upon John Day, and Leigh hit Downing a blow upon his face with his hands. Sworn, Mar. 10, 1663, before S. Symonds.¶

Ephraim Fellows deposed that Joseph Lee came into Bishop's house, said he was cold and asked Downing to let him come near the fire, etc. Sworn, Mar. 10, 1663, before Samuel Symonds.¶

‡Ipswich presentment. Wit: John Adams, Gilbert Wilford, Robert Funnell and Samuel Dutch.

§Ipswich presentment. Wit: John Brewer, Georg Smith and Samuel Lord.

¶ Autograph.

Martha Smith chose Nathaniell Elitrop to be her guardian, and he was bound in 40li. to pay her her portion when due.

Caleb Kimball, upon his presentment for rescuing cattle, was fined.\*

Peeter Cheny, upon his presentment for fornication, was fined. His wife Hanah Cheny was fined 3li. unless she appear "before the court rises if soe the court will consider further."†

Town of Andover was discharged of its presentment for want of a pound, it being certified that a sufficient pound had been provided.

John Newman, jr., was fined for not assisting the constable.

Thomas Lovekin was fined for not assisting the constable.

John Edwards, Phillip Fowler, John Ananaball, Mathew Anaball, John Wood, Sam. Varnam, Samuell Dutch and Roger Lang-

John Brewer deposed that being by his house side he heard Caleb Kimball call to Samuell Lord to witness that Goodman Sachwell struck him, but he did not see them. Bye and bye Caleb's oxen came by deponent's house alone and when they were half way to Goodman Day's, Caleb came running by and took them back within about eight or ten rods of deponent's house, where the blows and words about the oxen occurred. Sworn in court.

\*Ipswich presentment. For rescuing his oxen from Richard Satchwell, who was driving them to pound out of the common field. Wit: John Brewer, Georg Smith and Samuell Lord.

Samuel Duch testified that being in his uncle Caleb's yard, he saw Goodman Sachwell coming along the street after some oxen, two of which were Caleb Kimball's, and they came into the yard of themselves. Bye and bye Goodman Sachwell came to take them out and deponent's uncle warned him against coming on his ground, saying that he would pay for the pounding and the damage they had done. Goodman Sachwell forced the oxen out of the yard, struck his uncle three or four blows with a piece of board he had in his hand, and the oxen went to the common, toward Goodman Daye's house. Said Sachwell went toward his own house.

†Newbury presentment. They were married May 14, 1663, and their child was born Nov. 6, next following.

"Honoured gentlemen,

"Wee crave leau to inform you in some particulars concerning our friend Hanah Cheany who is sumoned to appear before you, whose indisposition of body, she being subject to sore fits (especially upon such occasions as this) cals for y<sup>t</sup> clemency to her so far as justice shall permit; & y<sup>t</sup> she may not to y<sup>e</sup> manifest hazard of her life be forced to come before you. If you shall please to take notice y<sup>t</sup> y<sup>e</sup> parties concerned she and her husband have ever bin of unblameable conversation never offending in this kind,

ton, presented for keeping cattle in the common corn field on the Lord's day, it being the first time, were admonished.\*

Capt. Paul White and Stephen Swett had their licenses renewed for one year.

Caleb Kimball and his wife, John Leeds and Abraham Knowlton, complained of for playing at cards, were fined 5s. each.

Richard Smith, complaining against Zachry Debell and William Newman for stealing his canoe, the court ordered that they pay treble damages, 4li. 19s.

The treasurer was ordered to pay John Woolcott 14li., and Peter Chenye's fine to be part of it.

Jonathan Lambert, dying intestate, his brother John Lambert was appointed administrator and he was ordered to bring in an inventory to the next Ipswich court. John Lambert was bound in forty pounds.

Stephen Godwin, for breaking prison, was ordered to be severely whipped and committed to prison.†

Zachary Debell and William Newman, for being accessory abettors and conveying the prisoners away, were ordered to be severely whipped, fined and committed to prison until they paid it, and also bound to good behavior. Zachry Debell and Samuëll Graves bound.

except in this one particular; and having bin published according to law, and y<sup>e</sup> time of marriage appointed, but unexpectedly delaied by theyr parents by reason of extraordinary accidents: we hope you will not think it strange that we intercede for them, and that although she be by y<sup>e</sup> hand of god prevented from going to court, whereby she might express her penitence to you yet there may be noe misinterpretation or misunderstanding in y<sup>e</sup> business, but y<sup>t</sup> as she humbly submits her selfe to your judgm<sup>t</sup>, so she may || together with her husband || have what favour y<sup>r</sup> wisdomes shall judge meet to shew them: And so shall pray &c.

“Thomas Parker‡

Wm Gerrish.”‡

“Newb. 4th May 1664

\*Ipswich presentment. John Edward, Phillip Fowler, jr., Robert Dutch, jr., John Anabell, jr., Mathew Anabel, John Wood, Roger Lancton's boy and girl, Samuëll Vernam, jr., and Samuëll Dutch were presented. Wit: Robert Lord, jr., Caleb Kimball and Mark Quilter.

†Stephen Godwin was committed to prison for want of security for his good behavior.

John Palmer and Mary Day deposed that they heard said God-

‡Autograph.



Thomas Willson, for being an abetter and concealing the prisoners escape from prison, was ordered to be whipped.\*

Thomas Tredwell, jr., Nathaniell Tredwell and John Pindar, for concealing the prisoner, were admonished.

Samuell Graves, for suspicion of concealing the prisoner and carelessness in his trust in searching for him, was bound in 50li. to appear at the next Ipswich court.

Execution being respitted in the action of Tho. Clarke v. Tho. Andrews, the respite was taken off.

Charges allowed to Walter Roper, Caleb Kimball, Richard Coye, George Abbott and Thomas Johnson in prosecution of the prisoner.

Ordered that Mr. Symonds and Major Genll. Denison take order about the security for the good behavior of the prisoners and the charges. Sam. Graves engaged to pay Zacherye's fine.

"Forasmuch as severall escapes have beene made out of the prisson by the prisoner with the ayd & assistance of some Ill affected psons It is ordered that noe pson shall p'sume heerafter to come within the prisson yard, nor within 20 foote of the prisson on the west syde therof, where there is noe fence, upon any p'tence whatsoever without pticular licence from the keeper, while any prisoners are in prisson, upon paine & penalltye to be p'sceded agas<sup>t</sup> as contemnors of authority and abbettours of malifactors."

win say to Joseph Bond that if he told any tales he would dash out his brains or beat his head against the wall. Sworn in court.

\*John Gidding deposed that the "last second day Thomas Willson came to my house & tould that the p'rissoner was found againe || I sayd || but are they found that lett him out he answered noe nor I hope never will I sayd I doubt you are one of them he sayd noe I am as cleare as you I sayd noe I doubt not soe, how could you then tell your cossen Nath: Tredwell that the prisoner was at goodman graves his barne of the thursday after he was lett out he sayd I tould him but he was a rogue for telling you & he then turned about and cryed." Sworn in court.

James Ford deposed that on Monday last, being at Thomas Wilson's house, he asked him what news, and he told deponent that Stephen was caught again. Deponent asked him who let him out of prison that he had no better instructions how to get away, and Thomas said it was himself, John Pindar and Zach. Debel. That they had bound themselves not to discover anything and whoever discovered the matter first was to bear all the damage that should come to all or any of them by that act. Deponent said that Thomas told him that the cocks had crowed six times on Tuesday night before he went to bed and that day broke as he was

The treasurer was ordered to pay to Mr. Willson 3li. for his salary.

Samuell Graves undertook to pay 13li. to the treasurer for Zachry.

William Newman bound in 20li. not to be seen in this jurisdiction from May 16 to Sept. 29, 1664.

Given to the house 5s., and 12d. to be given to Mr. Paine's maid where Major Hathorne lay.

COURT HELD AT SALEM, 28 : 4 : 1664.

Judges: Worshipfull Mr. Symond Bradstreete, Mr. Samuell Symonds, Major Danyell Denyson and Major William Hathorne.

Jury of trials: Mr. Richard More, Richard Prince, John Porter, Jacob Barney, William Dixy, Samll. Corning, Richard Bishop, Nathanll. Felton, Raulph King, Jon. Haukes, Richd. Kimball, Steeven Glover, George Keiser in Jon. Hathorn's action and Tho. Oliver in Jon. Porter's action.

Tho. Gretian v. Mr. John Duncan. Debt. For four and one-half

going home when he was near Thomas Burnham's house. Thomas further said that he went into Goodman Graves' house at the back door to wake Zachary, etc. Sworn in court.

Anne Chote deposed that Thomas Wilson was at the rails on Thursday night and she asked him if he knew what had become of Stephen and he said that if there were a fair wind Stephen would not be long in Ipswich. That Stephen was not twenty rods from the meeting house all that while and that he was over the scaffold in Goodman Graves' barn. Sworn in court.

John Dille, aged about twenty-one years, deposed that being in Mr. Hubberd's lane with Jonas Gregory on lecture day, Thomas Wilson told deponent that Stephen was in Goodman Graves' barn and asked deponent if he would help convey Stephen away to the eastward. He told him that he would have no hand in any such thing, and Wilson said his father had examined him as to whether he had anything to do with letting out the prisoner, and he had told him that he was at home in bed at the time and that his wife would swear to it. Zachery, Goodman Graves' man, was he who let him out. Sworn in court.

William Downeing, aged about twenty-four or five years, deposed that Thomas Wilson came to his ground when he was planting, and he told deponent where Stephen was and said that Goodman Graves had no hand in the matter. Sworn in court.

Presentments, dated Mar. 29, 1664, signed by Daniell Epps,\* in the name of the rest of the grand jury:—

\* Autograph.

month's service sailing with him in the ship called the Black Eagle. Verdict for plaintiff, to be paid in current money of England.\*

George Drake v. Mr. Jon. Duncan. Debt. For four and one-half

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John Ridg and Richard Jones from Newbury presented for not coming to the public meeting.

\*Writ, dated June 21, 1664, signed by Hillyard Veren,† for the court, and served by Samuell Archard,† marshal of Salem. The latter had appointed Nicholas Merett of Marvellheade his deputy, but he did not serve the writ.

Thomas Gretians' bill of costs, lli. 13s. 8d.

Abraham Shaw, aged about thirty years, Steven Gregs, aged twenty-five years, John Wall, aged about twenty-four years and George Geake, aged about thirty-one years, deposed that on Tuesday, June 14, 1664, the ship Black Eagle was lying at the head of Marblehead harbor, when the master, John Dunkin, spoke openly to the ship's company: "Gentlemen I have giuen you three or four Dayes to Consider wher you would goe the Fishing uoydge In the shipe or noe I Confesse that it was nott In your bargaine to goe a Fishing And you may Chuse wher you will goe or noe, therefore because I am now going to Boston I would have you giue me your positive Answer, soe that if you will not goe I may gett men In your roomes." In Answer to which most of the company said that they would not go for the wages offered, that is, twenty-seven shillings a month, not being fitted with materials for a fishing voyage. Then the master said "I would desyre you to Carry the shipe off to her moreings, and then euery man For himselfe." This was done and the sails were dried the same day and the men gave attendance two or three days expecting to receive their wages when the master came from Boston, but seeing no victuals dressed for them for two or three days, some returned to the shore to buy provisions for their natural sustinance.

Abraham Shaw and John Wall further deposed that about June 16 or 17, 1664, in the morning, Mr. Allexander Reid said openly upon the deck of the Black Eagle in Marvellhead that he had received a letter from the master at Boston and he desired him to say that if they would go on the fishing voyage, they would be welcome, for he would rather they should go with him than strangers, although he could get men enough at Boston. The men refused to go and Mr. Reed told them that they must have a little patience till the master came from Boston, who would be answerable for their wages. They further deposed that after the master came from Boston, he said that he was sorry they could not go with him, but he had shipped men at Boston. Whereupon John Wall said that he hoped he would give them their wages they had earned. The master confessed that they had earned their money and he

†Autograph.

months' service sailing with him in the ship called the Black Eagle. Verdict for plaintiff, to be paid in current money of England.\*

Thomas Gretian v. Henry Combes. Forfeiture of a bond. Withdrawn.

John Deacon v. Anthony Crosby. Debt. Verdict for plaintiff.†

Nathanyell Pittman v. Richd. Gardner. Trespass. For coming upon plaintiff's ground, fencing it and occupying it. Referred to the selectmen of the town of Salem to be ended in a month, which was consented to by both parties.

William Browne v. John Codner. Non-performance of a promise made by him upon the marriage of his daughter-in-law to the said Brown. Verdict for plaintiff, either the two acres of land at Gatchell's hill or on the neck, or ground to set a house upon and a garden spot by the cow house of said Codner; also one-third part of the shallop called the Black Besse, and seven years' stage room for his own particular person.‡

would willingly give it to them, but he had been advised not to do so without going to court, because he might have something to show to his owners for his own discharge, etc.

\*Writ, dated 21 : 4 : 1664, signed by Hillyard Veren,§ for the court, and served by Samuell Archard,§ marshal of Salem.

George Drake's bill of costs, 1li. 13s. 8d.

†Writ: John Deakin v. Anthony Crosbee; debt, which the said Crosbee promised to pay to Capt. Georg Corwine of Salem on said Deakin's account; dated June 17, 1664, signed by Jonath. Negus,§ for the court; and served by William Lawe,§ constable of Rowley.

Goodman Deacon's bill of cost, 1li. 1s. 7d.

Bond of Anthony Crosbie§ of Rouly to John Decon, who lived at Wenisemet, dated Oct. 8, 1663, for 3li. 4s., which said Crosby promised to pay to Capt. Georg Corwine of Salem in wheat or pork. Wit: Jeremiah Belcher.§

Summons to Anthony Crosbee, dated June 17, 1664, to appear at the next Salem court.

‡Writ, dated June 6, 1664, signed by John Fuller,§ for the court. John Codner and John Bartoll, sureties for Codner's appearance.

Wm. Browne's bill of cost, 1li. 14s. 10d.

John Pedrick, aged about forty years, and James Poere, aged forty-five years, deposed that being in September last at the house of Goodman Grosse at Bostone, in company with John Codner and William Browne and others, they heard Codner discoursing with said Browne about marrying his daughter-in-law Mary Chin. Deponents heard Codner say to Browne "yf thee doest mary my

Georg Wheeler v. Jon. Chater. Debt. Verdict for plaintiff. Mr. Harlackendine Symonds appeared in court as surety for defendant and answered said action in his stead.\*

Margerett Bennett, widow v. Andrew Rowland. Debt. For provisions. Neither the defendant nor his surety, Mr. James Brading, appearing, their bond was forfeited.†

Daughter, (meaning ye said mary) I will giue thee two acres of land at Gatchells hill or on the neck, & yf you accept not of that, I will giue thee ground to sett a house upon & a garden spott, by my cow house, & further said I will alsoe giue thee the third pt of my shallop caled ye black Bess: & for stage roome I will giue thee yt alsoe for 7 yeares for thy || owne || pticular pson," and said Browne answered, taking off his hat, when John Codner drank to him upon those foregoing words, calling him son, "I thank you, father." Then they shook hands, and Codner was well in his right understanding and memory without being distempered with drink or otherwise. Sworn, 25 : 4 : 1664, before Wm. Hathorne.‡

Samll. Condey, aged about thirty-three years, deposed that Jno. Pederick said that Browne's estate was worth two hundred pounds in England, etc. Sworn in court.

Robert Pety, aged twenty-three years, deposed that when William Browne demanded what Codner had promised, the latter said he had promised him nothing and "yf I did com by it how you can." Sworn, 25 : 4 : 1664, before Wm. Hathorne.‡

\*Writ, dated May 2, 1664, signed by Jonath. Negus,‡ for the court, and served by Tho. Fitch,‡ constable of Boston.

Harkakinden Symonds‡ was bound for John Chater's appearance.

Bill of costs, 1li. 10d.

Letter of attorney, dated May 30, 1664, given by George Wheeler§ of Newbury to Leift. John Pike. Wit: Anthony Somerby‡ and Rebecca Somerby.‡

John (his mark) Chatter of Newbary acknowledged a debt of 6li. to James Uselton of Newbery to be paid to Capt. Gerrish, in beef, pork or corn, dated May 10, 1660. Wit: Edward Woodman‡ and John Bartlett.‡

†Writ, dated May 9, 1664, signed by Francis Johnson,‡ for the court, and served by Thomas Fitch,‡ constable of Boston.

James Brading,‡ surety for said Rowland's appearance.

Richard Downeing, aged about twenty-seven years, deposed that Andrew Rouling received of Margrett Bennett, pork amounting to 4li. 18s., and deponent heard him acknowledge that he was indebted to her 14s. for washing, for which she had received of

‡ Autograph.

§ Autograph and seal.

John Meagers v. Osmand Dutch. Breaking of a bond. Verdict for defendant.\*

Matthias Farneworth v. Samll. Bennett. For withholding a debt of 8li. which he should have paid to Georg Emory for curing Wm. Dellowe's hand. Verdict for plaintiff.†

him 37s. in clothes, and that there was a balance due said Margaret of 3li. 15s., which said Rouling promised to pay her in cod fish upon the rock or in money at weighing time. Sworn, 25 : 4 : 1664, before Wm. Hathorne.‡

Mary Codner, aged twenty-six years, deposed that Andrew Rowland received of her mother Benitt, etc. Sworn in court.

Ann Deverixe, aged about forty-three years, deposed that she weighed the pork for Andrew Rowland, etc. Sworn in court.

\*Writ, dated June 21, 1664, signed by Edmund Clarke,‡ for the court, and served by John Fitch,‡ constable of Gloscester.

Osmand Dutch's bill of charges, 9s. 2d.

Osman (his mark) Duch and John Meager,‡ agreement, dated June 1, 1664, to leave the settlement of all differences to Robert Ellwell and Jno. Collens, sr. Wit: Peter Duncan‡ and Georg Keser.‡

Georg Keser deposed that being at Cape Ann at Mr. Duncan's house, Robert Ellwell asked what the business was that he and John Collins, sr., were to do, and Goodman Duch answered that they should not meddle with the action of the Ipswich court. Goodman Ellwell said he would not meddle either, for that indeed would be a bad business.

John Collens, jr., aged about twenty-eight years, deposed that he heard his father say, etc.

Georg Kesor, aged about fifty years, deposed.

James Collens, aged about twenty years, deposed that he was present when Osmund Duch came to his father's house, etc.

‡Writ, dated Apr. 2, 1664, signed by John Fuller,‡ for the court, and served by Robert Ingolles,‡ constable of Linne, by attachment of one brown cow and two heifers in the hands of Capt. Thomas Marshall.

Bill of costs of Edward Richards, attorney for Matthias Farneworth, 1li. 4s. 8d.

Letter of attorney, dated Apr. 3, 1663, from Mathias (his mark) Farneworth of Grotton, weaver, to his loving brother, Edward Richards, to appear for him in the action against Sammuell Bennit, sr. Wit: John Fuller‡ and Elizabeth (her mark) Fuller.

Thomas Laughton, aged about fifty-four years, testified that being at the house of John Hathorne with Samuell Bennet and Mr. Emry of Salem and others, Mr. Emry accepted a bill from said Bennett of about five pounds to be paid by Mr. Browne of Salem

‡ Autograph.

Jon. Hathorne v. Jon. Blany. Debt. Withdrawn.\*

Robert Ingalls, constable of Lyn, was allowed 2s. for a hue and cry.

before sunrise the next morning. It was for the discharge of Mr. Emry concerning one Dillow. Sworn in court.

John Deacon testified that Samuell Bennett told him that he had paid Mr. Andrews for the curing of his man's hand. Sworn in court.

"Wee whose names are underwritten for and in Consideration of moneys received of m<sup>r</sup> Samuel Bennet for William Dellow, doe discharge and acquit the said William from all former debts and engagements due to his master John Andrews deceased, and from all debts and engagemts due to and requirable by our selves of y<sup>e</sup> sayd William; and doe secure the said William from all such debts to other persons as are charged by John Andrews aforesayd, and by our selves to the said William Dellow, and accounted to him as paid for him: provided alwaies and it is our meaning that if there shall be any person or persons not yet paid and fully satisfied by the aforesaid John Andrews, whose demand is charged to William Dellow acco<sup>t</sup> by John Andrews, and recoverable of the said William, that then the said William Dellow shall discharge the same, to the value of thirty shillings and no further: in witness whereto, we have sett our hands, as below:

"and that there may be no future error or mistake in the premises, concerning the debts charged to William Dellow his account, as paid for him: they are here subscribed, amounting to y<sup>e</sup> value of thirty & one pounds, one shill: & six pence: as followeth:"

Paid to Mr. Juet, 4li. 2s. 11d.; Mr. Baker, 1li. 7s. 11d.; Goodman Prichard, 2s. 6d.; Goodman Tod, 1li. 1s. 6d.; Mr. Norton, 1li. 10s.; Goodman Shatswel, 9li.; Goodman Coy, 8s.; Sergeant French, 4s. 2d.; Mr. Chute, 8s.; Marshall Brown, 17s.; Mr. Wilson, 2s. 6d.; Goodman Rowel, 2s.; Humfry Griffin, 3li. 10s.; Goodman Whitman, 6d.; Goodman Lord, 5s. 6d.; Goodman Law, 5s. 6d.; Goodman Driver, 1s. 6d.; Goodman Brisco, 5s.; Goodman Muzzy, 5li. 10s.; John Hathorne, 1li. 17s.; total, 31li. 1s. 6d.; dated July 7, 1663, and signed by Sarah Andrews, † administratrix of Thomas Andrews' estate.

Daniell Salmon, † the marshal's deputy, on Feb. 27, 1663, acknowledged satisfaction to Edward Richards. Wit: Rich. Haven† and Thomas Wheeler. †

Samuell Benett† of Rumly Marsh bound himself to free Mathyas Farnworth of Lyne of his engagements in behalf of William Dillo who was then servant to said Benett, and agreed to settle all claims of said Dillo.

\*Rich. Walker, † on June 29, 1664, requested the court to return his

† Autograph.

Nehemiah Abbott v. John Bridges. Trespass. For taking away his horse, spoiling him and not returning him again.\*

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bond, he being surety for Mr. John Bleana's appearance. "Having therefore much Buisness I have left this w<sup>th</sup> Edward Richards."

John Hathorne's bill of charges, 1li. 11s. 10d.

\*Summons, dated June 14, 1664, to Edmond Bridges, sr., John Bridges and Edmond Bridges, jr., signed by Robert Lord,† for the court.

Bill of costs of Edward Bridges, sr., 1li. 8d., and of Edward Bridges, jr., 17s.

Mary, wife of Nehemiah Abbott, affirmed that her husband gave her an order not to deliver the horse to John Bridges, unless he would first go to his master and dame and own before them what he had promised, namely, that if afterwards there should be but one witness found that he broke his promise in using the horse, it should be sufficient proof. The same day about one o'clock the said John Bridges came for the horse, and refusing to go to his master and dame, he took the horse and rode away. Sworn, June 27, 1664, before Daniel Denison.†

Abraham Foster and Isaack Foster deposed that the horse of Nehemiah Abbott was a lusty, serviceable horse for riding and drawing either cart or plough, and that he ploughed his land with him without anyone to lead or drive him. Further, the horse had no disease that he knew of while he had him. Sworn, June 27, 1664, before Daniel Denison.†

Danill Blacke, aged about thirty-six years, testified that he heard Goodman Abbot say that John Bridges had his horse upon hire, that is three shillings for the first two days and fifteen pence a day after. Edmond Bridges, aged about twenty-seven years, deposed the same. Sworn in court.

Daniell Warner, jr., and John Warner, jr., deposed that coming into the company of Goodman Bridges and his sons at Lynn about Jan. 7th, they observed John Bridges to be careful of the horse on which he rode. When they came home there was a great snow on the ground, and they observed that he did not beat the way. John Bridges' horse came very well to Goodman Putman's and there both he and they put their horses into the barn, and Bridges' horse ate hay as well as the others. After an hour they all came away and when they were about thirty or forty rods from the barn, the said horse fell down and Edmond Bridges, jr., called to the others who were ahead, and said "Johns horse is falne downe & will not rise." They went back to him and found him dead. In about an hour, Edmond Bridges opened the horse and the maw taken out near the gullet's mouth was full of red worms and there were many holes in the maw, which had been eaten by the worms. Sworn, June 27, 1664, before Daniel Denison.†

† Autograph.



Capt. Paule White v. Robert Clements. Debt.\*

Mr. Charles Gott, sr., and Richard Kemball, in behalf of themselves and partners, acknowledged a judgment due to the worshipful Mr. Symond Bradstreete.

Tho. Wheeler and John Collens were sworn constable of Linn for the ensuing year.

Samuell Elwell of Gloster took the freeman's oath.

John Pickering, constable of Salem, was allowed a bill, to be paid by a fine, for which he was engaged to pay for another.

Sarah How, aged about twenty years, deposed. Sworn, June 14, 1664, before Daniel Denison.†

Joseph Brown, aged about twenty-five years, deposed that Goodman Bridges, his son Edmon, and Danill and John Worner opened the horse, etc. Sworn, July 27, 1664, before Daniel Denison.†

Elizabeth How, aged about fifty years, testified in substance as did her husband, James How. Sworn, June 27, 1664, before Daniel Denison.†

James How, sr., deposed that John Bridges promised that if Abbott would lend him his horse, he would only go to his uncle's at Linn, that none should ride on him but himself, that he would give him corn and would ride easily, although he pleaded that he might ride as fast as the company. Abbott told him that he must not ride faster than a gentle, false gallop, though he came a mile behind. Further, John Bridges promised to bring the horse home the next Wednesday, which was Jan. 6th, and agreed to stand all damage, etc. Bridges told deponent that his brother Edmond Bridges would pay for him, etc. Abraham How testified to the substance of the foregoing. Sworn, June 14, 1664, before Daniel Denison.†

James How, aged about thirty years, and Elisabeth, wife of James How, jr., deposed. Sworn, June 25, 1664, before Daniel Denison.†

\*Writ, dated May 25, 1664, signed by Anthony Somerby,† for the court, and served by Stephen Kent, constable of Haverhill, by attachment of the dwelling house and orchard of defendant.

Letter of attorney, dated June 27, 1664, given by Paul (his mark) White of Newberry, merchant, to his loving friend, Willm. Chandler. Wit: Wm. Thomas† and Stephen Swett.†

Capt. White's bill of costs, 2li. 4s. 10d.

Willm. Chandler, aged forty-eight years, testified that he heard Robt. Clements own the debt of 7li. 5s. 4d. and saw him set hishand to the book. Also he heard him own the whole debt specified in the great book, amounting to 10li. 17s., etc. Sworn in court.

† Autograph.

Edward Clapp and Frances Collens presented an inventory\* of the estate of Elizabeth Cockerill, deceased, amounting to 102li. 2s. Administration was granted to Edward Clapp, Frances Collens and Andrew Woodbery, who married the three daughters of said widow, who, after all just debts were paid, were to divide the estate among them.

Benjamin Parmiter had his license renewed for the ensuing year.

Theophilus Baily was licensed to retail strong waters out of doors for the ensuing year.†

Symond Bradstreete, gentleman v. Mr. Thomas Andrewes, administrator of the estate of Corporall John Andrewes, deceased. Debt. Verdict for defendant.‡

Daniell Ela, aged thirty years, testified that he was at the house of Capt. White when Robt. Clements received those goods, on 30 : 3 : 1662, and saw the book, etc. Sworn in court.

\*Inventory of the estate of Elizabeth Cockerell, taken June 27, 1664, by Jefferie Massey§ and Hennery Skerry:§ One dwelling house & out house with a quarter of an acre of ground adjoining, 32li.; two Cows & one swine, 7li.; two feather beds with their furniture, 14li.; pewter, 2li. 15s.; iron potts & hangers, fire shovell & tongues, 20s., 3li. 15s.; brass kettles, skellets, a candlestick & brass mortar, 1li. 15s.; 12 yds. osenbrige & about 20 yds. cource holland, 3li. 15s.; 6 pr. of sheets, 1 doz. napkins & other linen, 12li. 17s.; 4 yds. broad cloath, 40s.; 2 yds. 1-4 Carsy, 14s., 2li. 14s.; a black cloak, 25s., her wearing aparell, 6li. 13s., 7li. 18s.; tables, stooles, chaires & chests & other lumber, with 2 seives, a sword & old muscutt, 3li.; two bibles, 11s., cash, 12li., a silver spoone, 5s., a ring, 12s., 13li. 8s.; total, 102li. 2s.

†Thomas Loughton,§ Thomas Marshall,§ Ed. Needham,§ Henry Collins,§ Allen (his mark) Breade, Thomas (his mark) Farrer and John Fuller,§ selectmen of Lynn, 28 : 2 : 1664, approved of "our Loueing Neighbo<sup>r</sup> Theophilus Baylye to bee a meet man to draw, or sell strong Liquors in our Towne, by the pynte, or quarte."

‡Writ, dated 2 : 2 : 1664, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich.

Thomas Andrews' bill of costs, 1li.

Copy of Salem court record of 27 : 4 : 1662, when administration of the estate of John Andrews, deceased, was granted to Mr. Thomas Andrews, etc., made by Hillyard Veren,§ cleric.

Corporal Andrews, before his decease, was indebted to his brother, Thomas Andrews, as follows: John Andrews, as executor, was indebted 70li.; for forbearance of that money from Sept., 1656 until May, 1662, five years and a half at 8 per cent, 30li. 16s. The

§Autograph.

said John Andrews borrowed of his brother Thomas in the years 1654 and 1655, as follows: Received of Mr. John Rogers, 4li. 15s.; Thomas Bishop, 6li. 2s.; Sergt. Richard Jacob, 5li.; total, 15li. 17s.; for forbearance of this money for five years and a half, according to his own proffer, 16li. 19s. 6d. His son John Andrews was at Schole with his uncle Thomas Andrews, 3 yeers, in 1657, 58 and 59, 6li. His son John Andrews sold for his brother, Thomas Andrews, a Surgeons Chest to Mr. Crosby, in the year 1659, for which he received 5li. For one Cowe's hire 2 yeers and one Cow 1 year, 2li. 5s. For a Bible procured for his son John Andrews, 6s. Total, 137li. 3s. 6d.

Corporal John Andrews was debtor to Daniel Hovey, ten shillings for two bushels of malt delivered to his son John Andrews, which had not been paid at Corporal Andrews' decease. Daniel Hovey attested to the truth of this statement, June 25, 1664, before Daniel Denison.\*

Copy of the inventory of the estate of Corporal John Andrews made by Hillyard Veren,\* cleric.

Copy of will of Robert Andrews, of Ipswich, dated Mar. 1, 1643, and proved 26 : 1 : 1644, in Ipswich court. He made his eldest son, John Andrews, his executor, and gave "unto my wife Elizabeth Andrews forty pounds and to John Griffin the son of Humfrey Griffin sixteen pounds to be paid unto him when he shall be twenty one yeers of age : & if he shall dy before he comes to that age; it shall returne to my two Sonns John and Thomas Andrews. Item, Concerning my son Thomas Andrews, my will is that he shall live with his brother John Andrews 3 yeers : two of which he shall bee helpfull to his brother John Andrews in his husbandry, and the last of the 3 yeers he shall go to schole to recover his learning: and if he shall go to the University or shall set himselfe upon some other way of Living, his brother John shall allow him ten pounds by the yeer for four yeers, and then fifteen pounds by the year for two yeers succeeding after.

"Item, Concerning the fourscore pounds which is to be paid unto my son in Law Franklyn's daughter, Elizabeth Franklyn my grandchild my will is, that if she dy before the debt is due, it shall be thus deposed, ten pounds of it shall go to my son Daniel Hovey's child Daniel Hovey my grandchild : and the other seventy pounds shall be divided between my two sonnes John and Thomas Andrews, and if those my 2 sons should dy : then thirty pounds of it should be divided between my 3 kinsmen, John Thomas and Robert Burnam by equal portions and twenty more should go to Humfrey Griffins two other sonnes and the other twenty shall go to Daniel Hovey And because my son Jn<sup>o</sup> Andrews is yet under age, I doe commend him unto Thomas Howlett as his guardian untill he shall come of age." Robert (his mark) Andrews. Wit: William Knight, John Whipple, Tho. Scott and Joseph Metcalfe.

\* Autograph.

Agreement, dated Ipswich, Apr. 2, 1641, between Robert (his mark) Andrews of Ipswich and Will. Franklin\* of Boston. Said Andrews acknowledged 40li. due to said Franklin, his son-in-law, in part of the portion of Alice, late wife of William Franklin; the 40li. was to be left in the hands of Robert Andrews, until Elizabeth Franklyn, said Alice's daughter by Franklin, arrived at the age of eighteen years, if she continued unmarried, and the 40li. to be made 80li. and to be paid to Elizabeth at seventeen if she married with the consent of her parents or those who stood in their place; that if said Elizabeth died before the portion became due, the sum of 40li. was to be paid to said William Franklin and his heirs at the time when, if she had lived, she would have reached the age of eighteen; that in case Robert Andrews should survive William Franklin, then Elizabeth was to be committed concerning her education to her grandfather Robert Andrews, who "is desired by William Franklin y<sup>t</sup> as farre as he shall see it conducing to the good of the child, he would have special respect to his present wife Phoebe Franklyn herein, if shee continuing desirous y<sup>t</sup>. his daughter Elizabeth should live with her." Wit: John Norton. Acknowledged, 22 : 8 : 1647, before John Winthrop, Gov., and John Winthrop, jr. Copy.

George May, with the consent of his wife, assigned to Tho. Andrews, 10 : 9 : 1662, whatever remained due to him upon the agreement, dated Apr., 1641, between her grandfather, Robert Andrews, and her father William Franklin. Wit: John Ratcliff and Alice Ratcliffe. Copy.

Anthony Crosbie\* certified that John Andrews, formerly of Ipswich, sold to him a surgeon's chest in 1659, which belonged to his brother Thomas Andrews, for five pounds. Sworn, June 28, 1664, before Daniel Denison.\*

Richard Jacob\* testified that in 1655 or 56, Corporal John Andrews received of him twenty bushels of wheat, paid to John Whipple by his order, at five pounds, which wheat he received of deponent upon his brother Tho. Andrews' account. Sworn, June 25, 1664, before Daniel Denison.\*

Copy of Ipswich court record of Apr. 1, 1664 and May 5, in action of Thomas Clerke v. Mr. Thomas Andrews, administrator of the estate of Corp<sup>l</sup>. John Andrews, made by Robert Lord,\* cleric.

Thomas Marshall\* and his wife Rebecca testified that since Corp. John Andrews had come to dwell at Lynne, the latter discoursing about his brother Thomas Andrews' business, told deponents that he had still in his hands a legacy of about sixty pounds which he was to pay to his brother Thomas Andrews, besides other moneys which he had also received of his brother Thomas. Sworn in court.

Copy of Corp. John Andrews' rates for the support of the pastor, Mr. Samuel Whiting, subscribed to by the selectmen, Tho. Laugh-

\*Autograph.

ton, Tho. Marshall, John Fuller, Henry Collins, sr., Allen Bread, sr., John Hathorne, John Witt and Thaddeus Riddan, made by Tho. Andrews:\* on — : 11 : 1661, 2li. 8s. 8d.; Aug. 3, 1660, 2li. 4s. 6d.; Feb. 4, 1662, for Thomas Andrews, 2li. Mr. Whiting said he had received a bushel of malt on account of these rates, and nothing else.

Mr. John Rogers testified that Corp. John Andrews received of him 4li. 15s. for the use of his brother Thomas Andrews about the year 1656 and on 3 : 12 : 1659 gave him a receipt. Sworn, June 25, 1664, before Daniel Denison.\*

John Payne\* testified, June 25, 1664, that when Corp. John Andrews died he was indebted to deponent 13li., for a horse and corn sold him about a year before. Sworn, June 25, 1664, before Daniel Denison.\*

George Keysar testified that when Thomas Andrews came to Salem court to take administration, he would not accept it unless they would order him to pay no further than the estate would go. That he desired of the court how he should pay, whereupon Mr. Simonds called Major Hathorn and others of the court, told them and said "I say to him y<sup>t</sup> the Court cannot order him how to pay: Major Hathorn replied; no, no, we cannot give him order how to pay, but as men did come." Sworn in court.

Thomas Bishop\* testified that in the year 1654 or 55, Corp. Andrews had of him in pork and a pair of boots, 3li. 2s. upon Mr. Thomas Andrews' account, also 3li. in beef. Sworn, June 25, 1664, before Daniel Denison.\*

John Chote, aged about forty years, deposed that while he lived with Corporal John Andrews in 1654 and 55, he heard the latter often solicit his brother Thomas Andrews that he might take up some moneys of Sergt. Jacob, Thomas Bishop and others who were indebted to said Thomas Andrews for teaching their children, which moneys Corp. Andrews desired only to borrow to improve it for the good of his brother. Further that said Corp. Andrews desired him to speak to his brother Thomas to that purpose to persuade him. Deponent also testified that John Andrews, son of Corporal Andrews, went to school with Thomas Andrews as a constant scholar for the space of three years, while said Corp. Andrews lived at the town. Also that one of the cows which Corp. Andrews drove away with him to Lyn in 1660 belonged to his brother Thomas Andrews. It was a red cow with a broken horn. Thomas Andrews borrowed a Bible of deponent for the use of his cousin John Andrews, when he began to read and he never received pay for the same of Corp. Andrews, deceased, but depended upon Thomas Andrews' promise to pay. The Bible cost him at that very time six shillings, but it was spoiled by the use of the said John Andrews Sworn, Mar. 30, 1664, before Samuel Symonds.\*

Samuel Ingals, aged about thirty years, testified that John An-

\*Autograph.

John Godfery v. Jonathan Singletary. For withholding a bond of corn and wheat. Verdict for plaintiff.\*

John Godfery v. George Hadly. Debt. For thirty-three bushels of wheat which said Hadly had taken up of Robert Clements upon John Godfery's account. Verdict for plaintiff. Judgment respitted until next Ipswich court.†

draws, son of Corp. Andrews, went to school with his uncle Tho. Andrews as a constant scholar for three years, while said Corp. Andrews lived in the town at the White Horse. Sworn in court.

\*Writ, dated Mar. 27, 1664, signed by Hillyard Veren,‡ for the court, and served by Edward Clark,‡ constable of Haverhill, by attachment of land of defendant lying upon Meremacke river four miles from town, bounded by Thomas Linforth's land on the south and on land that was Tho. Sattswell's on the north.

Jonathan Singletary's bill of charges, 2li. 9s.

Edward Clerke of Haverhill, on Apr. 6, 1660, gave bond to John Godfry of Andover for 16li. 2s., to be paid in twenty-one bushels and one peck and a half of wheat, and seventeen bushels and three pecks of Indian corn to be delivered at the landing place at Haverhill. Wit: Robert Lord and Theophilus Willson. Copied from Ipswich court records of Nov. 1661, by Robert Lord,‡ cleric.

John (his mark) Godfry, on Mar. 17, 1661-2, assigned this bond to Jonathan Singletary of Haverill. Wit: Tho. (his mark) Davis and Tho. (his mark) Linford.

Abraham Whitticker and Edward Yeomans deposed that Johnathan Sengeltary owned that he hired eight pounds of John Godfry and engaged to pay thirty shillings a year. Sengeltary further said that Godfry did not give him the eight pounds, but he would pay him honestly for it, for he had the corn. Sworn, Mar. 22, 1663, before Daniel Dennison.‡

‡Writ, dated May 23, 1664, signed by Hillyard Veren,‡ for the court, and served by Samuell Broeklebanke,‡ deputy marshal of Rowley, by attachment of six acres of defendant's land, next to land of Benjamin Kimball, being the west side of Hadley's land between the river and the upper end of his plow land, most of which was planted with corn.

Georg Hadly‡ of Rowly, on Mar. 10, 1657, acknowledged receipt of thirty-three bushels of wheat to Robert Clement, jr., upon John Godfry's account. Wit: Richard Littlehale.‡ Acknowledged by Richard Littlehale, Nov. 17, 1663, before Henry Palmer, and William White, commissioners of Haverhill.

Richard Littlehale and wife Mary testified that when John Godfry renewed his bond on Mar. 25, 1661, with George Hadly, they heard said Godfry demand nothing of Hadly save five shillings,

‡Autograph.

John Porter, sr. v. Alister Greime. Debt. For a cow. Verdict for plaintiff.\*

which the latter agreed to pay to Bartt. Heath upon Godfrye's account. Since which at the last Salem court John Godfrey would have sued George Hadley about a receipt of twenty bushels of wheat said Hadley had of Singletary upon Godfrye's account, but being put in mind by deponents, that the twenty bushels were contained in the bond, he desisted, but for the thirty-seven bushels of wheat which Godfrey now sued for, they knew not whether it were included in the thirty bushels or not. Sworn by Mary Littlehale, June 27, 1664, before Daniel Denison.†

Abraham Whiticker and Edward Emans deposed that at the beginning of last winter, George Hadly said that he would pay very speedily, etc. Sworn, 12 : 9 : —, before Wm. Hathorne.†

Edward Yeomans and Abraham Whiticker testified that George Hadly owned the bond, etc. Sworn, Mar. 22, 1663, before Daniel Denison.†

Elizabeth Whitiker, aged about twenty-nine years, deposed that John Godfrey declared in her hearing in her husband's house that the writing that Godfrey had sued Hadlee upon was put upon the bond that was between Hadlee and himself, but, said he, "I doe not questeon but geat fue pounds: out of Hadlee." Godfrey repeated the words twice and said that he was afraid that this deponent would tell Georg Hadlee and do him a mischief one time or another. Sworn, 27 : 4 : 1664, before Simon Bradstreete.†

Samuell Archard, sr., deposed that he heard Georg Hadly promise Godfery to send him in twenty bushels of wheat to Boston that spring.

Rob. Clemants, aged about thirty years, testified that six years and a half ago he was in John Godferi's debt and desiring to pay it, said Godferie told him he could not receive it yet for George Hadley and he had not agreed. Finally he said they had agreed and that George Hadley had received a pair of oxen of Goodman Peasley for which he was to pay Godfere, that Hadley was honest and would pay him, etc. Sworn, June 25, 1664, before James Davis, sr., and Daniell Ladd, sr., commissioners of Havhill.

George Hadly's bill of charges, 2li. 7s.

\*Writ: Mr. John Porter, sr. v. Allister Greime, debt; for a cow; dated 20 : 4 : 1664; signed by Hillyard Veren,† for the court; and served by John Pickering,† constable of Salem, by attachment of a cow of defendant.

Joseph Porter, aged about twenty-six years, deposed that Allister Grimes bought a cow of his father and was to pay six pounds at Mr. Browne's shop. William Sha testified the same. Sworn in court.

†Autograph.

Mr. Thomas Broughton and Lieft. Rich. Cooke v. Mr. Symond Bradstreete. Review of a case tried at Ipswich county court, 29 : 7 : 1663. Verdict for plaintiff. Court did not accept this verdict.\*

John Porter's† bill of charges, 1li. 2d.

\*Richard Cooke petitioned to the Ipswich court, Sept. 29, 1663, that on the first day of the suit against him, commenced by the Worshipful Mr. Symond Bradstreete, it happened that he was taken very sick and incapacitated for preparing or going to answer the complaint and desired the benefit of the law as on page 3, title, appearance, non-appearance. Copy made Nov. 17, 1663, by Robert Lord,† cleric.

John Winthrop and John Clarke, on Sept. 26, 1663, testified concerning Mr. Cooke's ability to travel that it was not only the sickness that he mentioned, but there was another more dangerous infirmity of body upon him at that time, which prevented him from travelling without danger to his health, "and that by reason of a very large tumor Rissen upon him in a difficult place doe testify that he is not in a condition fitt for travill at this time." Copy made 17 : 9 : 1663, by Robert Lord,† cleric.

Richard Cooke's bill of costs, 1li. 7s. 8d.

"M<sup>r</sup> Stileman I pray receive for me fortie thousand Foote of good Me<sup>h</sup><sup>l</sup>ble boards If Lef<sup>t</sup> Cooke will deliur<sup>r</sup> them to you this Weeke or the next Soe as they may be ready for my use upon demand Receiue all or none within the time Limitedd & I shall remaine

"Yo<sup>r</sup> very Louing Friend

"Andou<sup>r</sup> 13 : 6 : 59

Simon Bradstreete."†

Upon agreement with Left. Cooke the attachment was released. Copy made by Elias Stileman.†

Richard Walderne testified, 16 : 7 : 1663, concerning the sale of the boards. Copy made, Nov. 17, 1663, by Robert Lord,† cleric.

"Sir I re yours but last night in the evening at 9 of the clock & the next morneing went about them to answe<sup>r</sup>e your desires they come to five shilling.

"Yours

"Robert Lord.†"

Writ: Mr. Simon Bradstreet v. Mr. Thomas Broughton and Lieft. Richard Cooke; for non-performance of a covenant concerning the shipping of 40,000 feet of pine boards for the Barbadoes upon half freight; signed by Thomas Danforth, for the court; and served by Richard Wayt, marshal of Boston, by attachment of half the warehouse at Centre Haven, with the land. Copy made, 17 : 9 : 1663, by Robert Lord,† cleric.

† Autograph.



Wm. Hathorne,\* on 1 : 5 : 1664, attested that he heard Mr. Bradstreet demand of Elias Stillman the 40,000 of boards which he was to receive of Lieft. Cooke, and his answer was that he had none nor never received any, and to this purpose he deposed before him some months since. Daniel Denison\* attested to the same. Sworn in court.

Agreement between Thomas Broughton and Richard Cooke and Symon Bradstreete. Copy made, 17 : 9 : 1663, by Robert Lord,\* cleric.

Copy of Ipswich court record of Sept. 29, 1663, in action of Bradstreet v. Broughton and Cooke. Copy made, 17 : 9 : 1663, by Robert Lord,\* cleric.

Peter Coffin,\* aged thirty years, deposed on June 19, 1660, that the last August he was ordered by Lt. Richard Cooke to deliver to Mr. Elias Styleman 40,000 feet of pine boards on account of Mr. Symon Bradstreete. When he went to deliver them Mr. Styleman's answer was that he had received orders for the boards and had been at the mills to which the orders were directed. There he found boards enough but could not get hands to lay them by. Deponent asked him what he would do with them and he said that he would not receive them until he had an opportunity to dispose of them. Deponent further testified that the usual custom of delivering boards at the mills in Piscataq river was to take account of them as they arise off the pile and then shoot them down into the water as they were rafted by those who received them, but not to lay them by upon the land unless the receiver procured men to do it. Sworn, 23 : 8 : 1663, before Anthony Stoddard,\* commissioner.

Nathanyell Hathorne, aged twenty-four years, testified that he drew the following account out of Mr. Nathaniell Bisco's books, it being an account of the sale of a parcel of goods per the Black Lyon, said Hathorne keeping the said book at that time. Sworn, 21 : 9 : 1663, before Anthony Stoddard, commissioner. Copy from the original, which was delivered to Lieft. Cooke, made by Hillyard Veren,\* cleric.

Goods for the account of Messers. Walter Price and Richard Cooke, 1-2 as trustees for the affaires of Tho. Broughton and the other half for the account of William Bartholomew, Thomas Brattle and Antipas Boyce as attorneys to the trustees for the affairs of Peeter Cole, Dr.: To charges at landing a pcell of Boards & staves rec. from New England by ye Black Lyon, John Webber Master, according to Elias Stilemans Invo. dated in Pascataque 24 August 1659, 1727 Boards cont. in feete 37,216 at 50s. p M., 93li. 1s.; 1 M. 5C. 90 or 1890 pipe staves at 4li. 10s., 7li. 1s. 9d.; 5 C. 38 or 630 hhd. staves & heding, 1li. 11s. 10d.; total, 101li. 14s. 7d. To Charges of landing & piling boards & staves, 570; to comission at 5 per cent., 1,799 1-2; Rest due to Messers. Richd.

\*Autograph.

Cooke, Walter Price, Wm. Bartholmew, Tho. Bratle & Antipas Boyce as above, 33,617 li. sugers to ballance when the Dts. are fully recd. which I carry to theire accots, 33,617; total, 35,986 1-2. Account dated Barbados June 1st, 1660, and signed by Nathanyell Briscoe. Copy.

Creditor: Jan. 13, 1659, by James Murrow, 5 boards, 100 feete, 2,350 pipe staves, 412 hhd. staves & heading, 2,700 sugers; by Edward Harrison, 200 hhd. staves & heading, 130 sugers; by Thomas Wiltshire, 120 boards, 2,699 1-2 feete, 2,296 1-2 sugers; by Peeter Bartiboe, 83 boards, 2,039 feete, 1,834 1-2 sugers; by Roger Lovell, 332 boards, 7,138 1-2 feete, 6,425 sugers; by John Sampson, 38 boards, 922 feete, 830 sugers; Jan. 16, by Jonathan Ridgwaye, 14 boards, 299 feete, 270 sugers; Jan. 17, by Thomas Page, 66 boards, 1,487 feete, 1,343 sugers; Jan. 18, by Henry Feake, 21 boards, 454 1-2 feete, 410 sugers; by Giles Ellen, 25 boards, 532 feete, 532 sugers; Jan. 19, by John Pearce, 53 boards, 1,106 feete, 993 sugers; Jan. 21, by Jeremiah Eggenton, 153 boards, 3,612 1-2 feete, 2,705 sugers; By Thomas Butcher, 6 boards, 110 feete, 110 sugers; Jan. 23, by Timothy Crowther, 53 boards, 1,062 feete, 852 1-2 sugers; Jan. 25, by Thomas Read, 23 boards, 499 feete, 499 sugers; by George Birkehead, 55 boards, 1,258 feete, 1,132 sugers; by Robert Pickford, 153 boards, 3,254 feete, 2,929 sugers; Jan. 26, by Thomas Burnham, 74 boards, 1,534 feete, 1,381 sugers; Feb. 2, by Thomas Hooper, 71 boards, 1,506 feete, 1,506 sugers; Feb. 3, by Henry Batson, 45 boards, 962 feete, 866 sugers; Feb. 9, by Barthmew Washington, 18 boards, 388 feete, 388 sugers; Feb. 11, by James Cacill, 19 boards, 434 feete, 392 sugers; Feb. 15, by Thomas Gloyne, 5 boards, 100 feete, 100 sugers; by William Craly, 11 boards, 203 feete, 203 sugers; by John Crisp, 25 boards, 600 feete, 540 sugers; Feb. 17, by Andrew Patton, 45 boards, 1,000 feete, 1,000 sugers; Feb. 18, by Richard Glascock, 30 boards, 597 feete, 597 sugers; by Lt. Coll. Jon. Read, 45 boards, 992 feete, 893 sugers; Feb. 25, by Wm. Phillips, 1 board, 18 feete, 18 sugers; Feb. 27, by Thomas Hinchman, 1 board, 12 feete, 12 sugers; by cotten woole, 4 boards, 74 feete, 74 sugers; Mar. 2, by Tho. Powdrill, 67 boards, 1,326 feete, 1,194 sugers; Mar. 15, by Henry Strowd 4 boards, 77 feete, 70 sugers; Mar. 26, by John Greeke, 5 boards, 50 feete, 50 sugers; by Humfry Davenport, 50 boards, 950 feete, 618 sugers; by suger, 6 boards, 116 feete, 93 sugers. Total, 1,731 boards, 37,512 feete, 2,350 pipe staves, 612 hhd. staves and heading, 35,986 1-2 sugers.

“Piscattaque River y<sup>e</sup> 18 June 1660.

“L<sup>t</sup> Cooke

“Sir Concerning yo<sup>r</sup> request, to Informe you how I acted about m<sup>r</sup> Bradstreetes boards, This is my Answ<sup>r</sup>, that yo<sup>r</sup> self bringing me an order from under his worships hands, to receiue from yo<sup>u</sup> for his use, fortie thousand Foote of merch<sup>t</sup> boards, I pceeded in & aboute ye p<sup>r</sup>mises as followeth, Having for the

Nicholas Manning acknowledged judgment to Hillyard Veren, to be paid in specie according to bill.

Goodman Axy of Lynn was freed from common training, paying 12d. per annum for the use of the company.

William Edmonds had his license renewed for the ensuing year.

William Symonds was allowed costs in an action brought by Jon. Godfery, the latter not appearing to prosecute.

Edmond Bridges, the elder, and Edmond Bridges, the younger,

accomplishment hereof received two orders, the one from Cap<sup>t</sup> Pendleton the other from M<sup>r</sup> Mullins, I forth with went up to those mills the orders directed unto, & shewed my orders for the boards mentioned, which were owned by them directed too, but for want of hands, which I could not gett, I could not draw them forth to lay them by, but seeing boards enough under hand at those mills, my orders for them being good & withall they pmising me that I should have them, when I caled for them, I thought it best to pvent cost & charge vnto m<sup>r</sup> Bradstreete to lett them ly together in the heape untill I had opertunytie to dispose of them according as I had directions from m<sup>r</sup> Bradstreete to ship them for Barbados the one halfe for the others freight and accordingly I Indeauored to gett shipping for them as if they had beene my owne a thousand times but could not ataine it from that time unto this, excepting one time, some pbabilytie with Capt. Piles at three fifts w<sup>ch</sup> I durst not take him at, because my order was to ship the one halfe for the other, I have noe more at p<sup>r</sup>sent but that I am

“Yo<sup>rs</sup> to Comand

“Elias Stileman.†”

Copy from the original, which was delivered for Lt. Cooke's use, 20 : 6 : 1664, made by Hillyard Veren,\* cleric.

Richard Walden, aged about forty-eight years, deposed that he received an order from Capt. Pendleton in 1659 to deliver a quantity of boards to Mr. Bradstreete on account of Mr. Broughton and Lt. Cooke. Meeting Mr. Bradstreete at Boston, deponent, having a ship to load boards, desired to buy 40,000 foot of boards of him, but he said he would send them himself, one-half for the other. Then deponent tended to ship them, one-half for his account, and to pay him for 20,000, whereupon he said that he could not make a bargain for he had not heard from Mr. Styleman. The latter afterward told deponent that he was afraid that there would be damage in carrying them down the river, and that many would be stolen, also those who ship boards in Piscataq. river suffer much damage by splitting, breaking and loss, besides the cost of rafting and carrying, which was usually 4s. per 1000, etc. Sworn, 16 : 9 : 1663, before Anthony Stoddard,\* commissioner.

\*Autograph.

were allowed costs in an action brought by Nehemiah Abbot, the latter not appearing to prosecute.

Thomas Joanes was allowed costs in an action brought by John Hodgkins, the latter not appearing to prosecute.

John Pearce, one of the grand jury, dissenting from the rest of the jury in their verdict and not giving the court satisfactory grounds, was bound to appear at the next General Court to answer for his obstinacy.

Mr. Edmond Woodman, Capt. Will. Gerrish and Mr. Nicholas Noyce, chosen as commissioners to end small causes for Newberye, were confirmed by the court.

The request and petition of Joseph Bowed to the selectmen of Marblehead for liberty and their approbation of him to retail strong waters, having been consented to by the selectmen, was confirmed by the court.\*

John Eggon complained of being abused by being sold to several masters, with several years added, more than of right ought to be, and court ordered all such sales to be void, allowing only the first covenant and indenture made with Mr. Anthony Ashby, which was for six years, so far as said Maxell had power to dispose of him.†

\*"The omble Requeste of Joseph Bond to y<sup>e</sup> selectt men of y<sup>e</sup> towne is that wher as I being a distiller of liquer by trad and having no other way nor imployment to maintaine my wife and famely by but by distilling of Liquer therfor It is my ernist Request that you will guie your Consents to y<sup>e</sup> honorid Corte now siting at Salem wher by I may sell my liquer by Ratall for feaue Cann by a qrtr Cask at a time being pore men generly without Ronging them selves and famelies thus hoping you will Commiserat the estate of your pore naiber and || his || family shall be euer Rady and willin to serve you and the plantation so fear as my ability shall Reach."

Moses Mavericke,‡ Cristop<sup>r</sup> (his mark) Latemor and John (his mark) Codner, selectmen of Marblehead, consented to the request.

†John (his mark) Eggon, agreed, on Dec. 20, 1663, having been on a two months' trial with Isaac Foster, intending to live with him seven years, but not liking the place so well as his former master's to return to his master West and serve him or his son one year more besides the seven, provided "that he doe not at any tyme within the terme sell me to any other man." Wit: Willm. White‡ and Isaac Foster.‡

‡ Autograph.

Mary Barnes, relict of Thomas Barnes, deceased, presented an inventory\* of her husband's estate, amounting to 217li. 5s. 9d., which was allowed. Said Mary was appointed administratrix, the estate to remain in her hands, and she to pay to Benjamin, son of the deceased, 60li., at the age of twenty-one, and 30li. to Mary, the daughter, at the age of eighteen or time of marriage. The dwelling house and ground adjoining were to remain for security.

\*Inventory of the estate of Thomas Barnes of Salem, deceased, taken 12 : 11 : 1663, by Walter Price† and Elias Stileman,† and proved by oath of the widow: A dwelling house & orchard, shop & outhouses, 100li.; 5 acres of upland in south feild, 8li.; 1 horse, 8li.; 1 Cow, 4li.; 1 swine, 15s. In ye shopp, 9 chaldr. of Coles, 20li.; 18 C. of Iron in ye shopp, 22li.; 2 Ankers, 2li.; in smithes tooles, 18li. 1s. 6d.; a malt mill, 15s. In ye hall, 1 feather bed, boulder & pillow, 4li.; 1 green rugg, 10s.; 1 pr. blanketts, 1li.; Curtaines & vallance, 1li. 10s.; 1 bedsteed, 1li. 15s.; 1 feather bed & boulder more, 2li. 10s.; 1 rugg green, 1li.; 1 pr. of wt. blanketts, 1li. 10s.; 1 trundle bed steed, 5s.; 1 settle & wainscot Chest, 1li. 10s.; 1 Court Cubbard, 12s.; 1 deske & box, 1li.; 2 tables, 10s.; 3 Joyn stoolles & 1 forme, 8s.; 7 chaires, 7s., 1 Jack, 15s., 1li. 2s.; 1 pr. of doggs & pr. andirons, old, 6s.; 2 hakes, tongs, fire shovell & spit, gridiron & Lanthorne, 12s.; 1 Cubard cloth & cushion; 2 Windo Curtains, 12s.; pewter, 1li. 10s.; ertthern waire & glass bottles, 10s.; 1 warming pan & smothing Iron, 10s.; 1 brass Kettle & chaffing dish, 2li. 15s.; 1 silver dram Cupp. 5s.; 2 Iron Kettles & a brass skillet, 12s.; 1 case of Knives, 4s.; 1 Looking glass, 12d. & 2 dos. trenchers, 2s., 3s.; 3 bookes, 8s.; 1 baskett, 18d., case & bottles, 14s. 6d.; 1 Cutless, 1 sword, 1 pr. pistolls, 2 belts & 1 old saddle & bridle, 2li.; 9 spoones, 3s., 2 brushes, 4s.; waring apparrell 11li. 4s.; 17 napkins, 25s., 2 tableclothes, 5s., 1li. 10s.; 8 pillow beares, 15s., 1 fine table cloth, 1li. In ye parlour, 1 feather bed & bolster rugg & 2 blanketts & bedsteed, curtaines, vallance, 5li. 10s.; 1 settle, 3 chaires, 1 chest, 16s.; 10 pr. sheetes, 5li.; 6 boulder cases, 12s.; Course towells & old Napkins, 10s.; earthen waire in a case, 5s.; a Window Curtaine, 1s. In ye Kitchen, 2 old brass Kettles, 6s.; 2 Iron potts & chaffing dish, 12s. 6d.; 1 brass & 2 Iron skilletts, 10s.; a frying pan, Ladles & scumer, 4s. 6d.; a pestle & mortar & 2 seives, 4s. 6d.; 1 Cullendr. & 2 pud panns, 4s.; earthen waire, 10s.; wood. boules, pailles & Keilers, 10s.; a sifting trow, 4s. & a Lampe, 5s. In ye Hall Chamber, 1 chest, 4s. & a Cradle, 5s., 9s.; 2 Spining wheeles, 6s.; a pillion & Cloth, 15s.; a halfe headed bedsteed & an old flock bed, two blanketts & Coverlett & matt, 1li. 10s.; a bed case & matt & pillow, 6s.; 3 pillowes & 1 pillow beare, 1li.; 2 musquets, 15s.; 1 pr. of shirt

† Autograph.

Leift. Tho. Putnam and John Porter, sr., were appointed to lay out and bound, in convenient time, the thirds of a farm of William Cantebury, deceased, according to the will and inventory, for the use of Bettrice, the widow.

Richard Waters had his license renewed.

Robert Lemon, presenting an inventory\* of the estate of Grace Sollas, widow, late deceased, amounting to 113li. 13s. 3d., which was allowed, was appointed administrator of the estate. He was ordered to pay to her son Thomas Sollas, 30li. at the age of twenty-one years, to son Robert, 15li., to daughter Mary, 15li. at age or marriage, and the survivors to have the deceased childrens' portions, if any die before they come of age.

buttons, 3s.; 1 yere & 5 mo. in a servant, 5li.; Lumber, 5s.; debts owing & Iron bak and an ould Kitle, 94li. 14s. 3d.; total, 337li. 18s. 9d. By Severall men unto whome the Estate is Indebted, 120li. 13s.

\*Inventory of the estate of Grace Sallowes, deceased, taken June 29, 1664, by Thos. Pickton† and Thom. Rootes:† One house & an akre & halfe of land, 60li.; one cowe, 4li. In the parlor, one feather bed, 2 bolsters, 2 pillowes, one pare of white blankets, a blew Rugg, a straw bed, Curtaines & valence & bedsted, 8li.; a Court Cubberd, 12s.; a wainscot Chest, 10s.; a table & Joynt stooles, 9s.; a Carpet, 9s.; 3 boxes & 3 Chaires, 8s.; a warming pan, a paire of tonges & fire shovell, 8s.; a cushion for a Cubberd's head, 1s. In the hall, 1 old feather bed, a paire of blankets, a feather bolster, a canvas bed & bolster case, a greene Rugg, a bedsted, curtaines & valence, 5li.; a paire of blankets, a feather pillow & a canvis bedcase, 1li.; a settle & 9 Chaires, 13s.; 6 Cushions & 2 feather pillowes, 10s.; 2 hakes, a paire of tonges, a spit & grediron, 6s.; a frying pan & smoothing Iron, 2s. 6d.; 2 Iron pots, an Iron kettle & skillett, 14s.; 2 brasse kettles & 2 skilletts, 1li. 6s.; a looking glasse & a Jugg bottle, 1s. 6d.; 2 bookes of mr. burroughes & 2 psal. bookes, 10s.; a brush & 2 paire of pott hookes, 2s. 9d.; wareing Clothes, 3li.; 9 pewter dishes, 1 bason, 2 small Basons, 2 quart pots, 8 porringers & 4 spoones, one beaker & a boule, 1-2 pint pot, 7 sawsers, 2 salts, 1li. 15s.; a brasse candle stick & 2 brass ladles, 5s.; Latten ware, 3s.; lisbone ware & glasses, 10s.; 2 dozen trenchers & 6 spoones, 1s.; 15 wooden dishes & 3 trays, 5s.; 3 sieves, 2 Chests, a small table, 13s.; a musket, 10s.; 2 baggs & old seabeds & bedding, 1li.; 13 sheets, 3li. 10s.; 3 kalico table clothes & one ozingbrig, 15s.; 2 old Cubberd clothes, 6 lockrom napkins, 8s.; 12 pillowbeires, 1li. 3s.; 15 towells & a table cloath, 14s.; 5 shurts & a dimity waiseoate, 1li. 10s.; 2 old axes & wedges &

† Autograph.

Widow Bullock, presenting the will\* and inventory of her husband, Henry Bullock, deceased, they were proved and allowed.

earthen pots, 8s.; in lumber as old barrells & tubs & pailles, 10s.; a basket & 2 old ones for linnen, 3s.; in a pt. of stage & house at the misery, 1li. 10s.; 4 Codlines, 2 pare of snuds & a portagall cap, 10s.; a dozen of handkercheifes & 6 bands, 10s.; 6 pare of stockins & a spinning wheele, 12s. & a pestill & mortar of Brasse, 2s. The womans childs cloathes, Childrens small linnen, 1li. 10s.; a silke skarfe & hood, 12s.; 3 white aprons & weareing linnen, 2li. 5s.; 3 sutes of womens apparell, 3li.; a bareing blanket & Childs weareing Cloathes, 15s.; total 113li. 13s. 3d. Estate was debtor to Mr. Browne, 18li. 15s. 10d.; to Will. Allen, 16li.; total, 34li. 15s. 10d.

\*Will of Henry Bullock of Salem, dated Dec. 21, 1663, was proved 29 : 4 : 1664. He bequeathed "to Elisabeth my wife, my dwelling house and out houses therevnto belonginge with all the land adioyninge vnto it, which is about eight acres more or lesse. Item I giue vnto Elisabeth my wife 4 acres of meadow, lyinge in the broad meadow that bordereth on the farme that was giuen to mr Bishop all the which houses and lands she is quietly to enjoy the tearme of her life Item my wil is that after the decease of my wife the lands and houses aforesayd be giuen vnto my grand child John Bullocke the son of my son Henery Bullocke deceased If he so long shal liue & if the lord shal take him away before he come to the age of 21 yeares then I giue the sayed houses and lands to his sister Elisabeth Bullocke & if she dy childlesse I giue the sayd houses and lands to my son Thomas Bullocke & his heyres Provided Notwithstandinge that in case my wife continue in her widdows estate & shal want for her necessary mayntenance then it shal be lawful for her to make sale of the houses and lands aforesayd giuen vnto her & then only what doth remaine of my estate at her decease shal be giuen vnto my two grand children aforesayd to be equally deuided Item I giue vnto John Bullocke aforesaid after the decease of my wife the bed where on I doe commonly ly & the funiture there unto belonging which my wife is to keepe in reperatione duringe the tearme of her life Item I giue vnto my son Thomas Bullocke ten pounds to be payd vnto him on yeare after my decease If he come to demand it

"Item : In case my wife shal haue no cause to sel the sayd house & land for her necessary mayntenance but do leaue them to my grand childe John Bullocke as aforesayde then my will is that he shal pay vnto his sister Elisabeth Bullocke halfe the worth of the sayd house and lands as they shal be indifferently valewed by two indifferent men. Item my wil is that If eyther of my grandchildren should depart this life vnmayred & before they come to age that which I haue giuen to that ||departed|| shal be giuen to that w<sup>ch</sup> doth suruiue & in case they both depart this life before they come

Tho. Marshall had his license renewed to draw wine and liquors for the ensuing year.

Widow Jackson, formerly the wife of Mr. William Goose, was not capable, owing to her present distemper of head, to look after herself. Her estate was inventoried\* and amounted to 14li. 12s., which was to remain in the Salem selectmen's hands, and to be used for her necessary expenses.

to age then that w<sup>ch</sup> I haue giuen them shal be giuen to my son Thomas

"Item my will is that in case my wife shal sue for her therds in the land I gaue vnto my son Henery & w<sup>ch</sup> is sould vnto Henery Cooke that then it shal be lawful for the heyres of my son Henery to take possession of the house & land aforesayd giuen to her Item I constitute Elisabeth my wife Executrix of this my last wil & testament & Willyam flint & Nathaniel Felton ouerseers of my wil & giue to each of them 20<sup>s</sup>." Henery (his mark) Bullocke. Wit: John Pudne,† Thomas (his mark) Smal and Nathaniel Felton.†

Inventory of the estate of Henery Bullocke, late deceased, taken Jan. 4, 1663, by Thomas Gardiner, sr.,† and Nathaniell Felton:† His dwelling house & outhouses with the land thereunto belonging, 40li.; 4 acres of meadow, 5li.; 2 Cowes, 5li.; 3 smal swine, 1li. 8s.; 8 feather bed & bolster, 1 greene Rug, 2 blankets, 3 pillows, 1 Coverlet, 8li.; 1 flock bed & bolster, 3 Cotten blankets, 1 pillow, 2li. 10s.; 5 Sheets, 2li. 10s.; 2 old chests & 2 boxes, 12s.; a bedstead, 6 chayes, 12s.; 6 li. yarne, 5 li. cotton, 13s.; scales & weights, 5s.; 3 brasse ketles, 1li. 10s.; 2 Iron pots, 15s.; Peuter, 12s.; a warming pan, 4s.; a mortar & pestle, a fyre shovel & tongs & a halve, 5s.; a fryinge pan, a chafendish and old candlesticke, 5s.; a bedstead & old tubs, 10s.; a bucken tub & 2 payles, 5s.; a spade, 4 wedges & ax, 7s.; old Lumber, 10s.; his wearinge apparel, 5li.; total, 76li. 13s. Crediter per John Sutchicke, 4li.; John Upton, 4li.; Willyam Flint, 9li. 12s.; Nath. Felton, 4li. 10s.; Isacke Cooke, 4li.; total, 26li. 2s. Sum total, 99li. 15s. Debter to Captayne Corwinne, 1li.; the charges of his burial, 1li.; in other smal debts, 1li.; total, 3li.

\*The inventory of Wm. Goose's estate found in the hands of Mary Jackson, widow, taken June 28, 1664, by Jefferie Massey,† Thomas Jeggells† and John Pickering:† A dwelling house, with an acre of upland belonging, 50li.; an ould feather bed, 1 boulder & 2 small pillowes, an ould Rug & an ould blankett, 4li.; a little table & 3 ould Cheares wth. a deske, 10s.; total, 54li. 10s.

Paid by the town of Salem for the relief of the relict of Willm. Goose, deceased, from 1656 to 1663, 39li. 18s.; rest to the estate

† Autograph.



Joseph Willames, bound to answer to a complaint for stealing forty-one and a quarter bushels of wheat from George Gardner, and confessing, was ordered to pay said Gardner three-fold, to be severely whipped the next lecture day or pay a fine of five pounds.\*

Mr. Lattamore was allowed to keep an ordinary and draw wine, being chosen by consent of the townsmen of Marblehead.†

John Bartoll, chosen by Marblehead for clerk of the writs, was allowed and confirmed.

Mr. John Blany acknowledged judgment to Mr. John Hathorne.

Inventory‡ of the estate of Henry Harwood, late deceased, to-

of Will. Goose, 14li. 12s. Taken out of Salem town records by Edmond Batter,§ for the selectmen.

Court was informed that Mr. Goose died many years ago and there was no will found or proved or administration granted, etc. Copy from the court book, made by Robert Lord, § cleric.

Mr. Batter was chosen to appoint some meet persons to make an inventory, by the selectmen of Salem, Wm. Hathorne,§ William Browne,§ George Corwin,§ Walter Price§ and Henry Bartholmew.§

\*"I fined him 40<sup>s</sup> to the County, but if the Court judg this lesse then meet," he was to be bound for appearance. Edm. Towne,§ surety.

†Moses Mavericke,§ John (his mark) Codnar, Lot Conant§ and John Bartoll,§ selectmen of Marblehead, on 28 : 4 : 1664, sent their written approbation of his appointment to the court.

‡Inventory of the estate of Henry Harwood, late of Salem, deceased, taken 10 : 1 : 1663-4, by Joseph Grafton,§ George Gardner,§ John Gardner§ and Henry Bartholmew:§ A dwellinge house with outhousinge and three akers of lande belonging, 50li.; ten akers of lande in the south field, 20li.; five akers of lande on Darbie forte side, 5li.; two Cowes, 9li.; nine ewe sheepe, one wether, and 10 lambes, 7li. 10s.; one swine, 15s. In the inner Rome, 5 pewter plattr, 17s. 6d.; one pewter bowle, one beaker, 2 bras candlesticks and 3 poringrs, 15s.; 17 peecis of blew and wt. earthware, 8s. 6d.; 3 p. of sheetes, 1 duzen of napkins, 3li.; 2 smale table clothes and 2 half sheetes, 10s.; 4 pillowbeares, a towell and a napkin, 16s.; bands and shifts and other small linen, 2li. 10s.; one feather bed, 2 bolsters, 2 pillowes, a Ruge and blankett, 7li.; wearing apparrell, 4li.; 2 blanketts, 14s.; a table and frame, 6 stooles, 1 chest and trunke, 3 boxes and a cup boord, 3li.; 4 chaires, 3 cussions, and a basket, 12s. In the midle rome, one feather bed, 2 bolsters, 2 pillowes, a Ruge and curtaines, 7li.; 6 p. of sheetes, 1 p. cotton sheetes, 5li. 10s.; 2 table clothes, 18 towells, 1li. 4s.; a table and frame, 3 chaires and three chests, 1li. 5s.; 3 brass ketles, 3 brass

§Autograph.

gether with a declaration of the will\* and mind of deceased, signed and attested by Mr. John Higgeson and Mr. Henry Bartholmew, were presented to this court. Administration of the estate was granted to the widow, and it was ordered that the estate remain <sup>1</sup>n the widow's hands for her use for life. At her death, the housing and land was to go to Jane Flinder, wife of Richard Flinder, the kinswoman of said Henry Harwood, and the rest of the estate to Elizabeth, wife of Mathew Nixon, her daughter. If the widow should be in want, she had liberty to sell any part of the estate. "The will & Inventory filed up in the court records 9<sup>m</sup> 71 with other papers concerned."

John Bly and his wife Rebecka, being presented to this court for incontinency before marriage, were fined 4li. and ordered to give security to the marshal by the next lecture day for payment of said sum at or before next Salem court or else on the said lecture day to be whipped.

Mr. John Gifferd had liberty granted him to draw and sell wine and liquors for the use of his workmen.

skillets and a warminge pan, 3li.; 4 pewter plattr., 2 basons, 2 qua. potts and a chambr. pott, 1li. 5s.; a brass chafinge dish and mortar, 10s.; for bookes, 1li.; two musketts and a Javelin, 1li. 5s.; fire shovell and tongs, a pr. Andiron, a gridiron, a spitt, 2 p. pot hangrs., 1li. 10s. In the Kitchin, three Iron potts, a kete and scillet, 1li. 10s.; earthen panes and tubbs and trayes and other lumbr, 1li. 10s.; debts, 8li. 17s. 6d. In the Chamber, 2 flock beds with the Coveringe and aptenancis, 2li. 10s.; Indian and English graine, 2li.; ould Iron and other lumber, 1li. 10s.; leather shooes and bootes, 5li.; shoemakers tooles and a graplin, 1li.; total, 163li. 14s. 6d. Debts, a legise to Mathe Nixons wife, 5li.; other small debts, 5li.

Copy of Salem court record of 28 : 4 : 1664, made by Steph. Sewall, § cler.

\*The nuncupative will of Henry Harwood of Salem: "29th 4th m<sup>o</sup> 1664. Wee whose names are here vnderwritten, do witnesse y<sup>t</sup> being desired by bro: Harwood (y<sup>e</sup> afternoon before his death) to be with him to help to make his will. he did then expresse himselfe for y<sup>e</sup> substance thus that it was his will, y<sup>t</sup> his wife should have the vse of his wholl estate while she liued, & after her deceas it should be diuided between his wiues daughter Elizabeth Nixon, & his Kinswoman. onely one legacy he expressed his will to giue to y<sup>e</sup> church viz foure pound to y<sup>e</sup> Church to help y<sup>e</sup> poor in bearing the charge of the Lords Supper. this had then been written but for some interruption; he saying he would take another time

Will\* of Samuell Beadle, deceased, was proved by Mr. Walter Price and Hilliard Veren and an imperfect inventory was presented. Administration was granted to Samuell and Nathanyell, sons of Samuell Beadle, deceased, who were to perfect the inventory and bring it into Salem court. Mr. Walter Price, the executor named in the will, refused to serve.

Court ordered that the estate of houses, lands, etc., of George Chin, deceased, in the hands of John Codner, said Chin's successor, be given to said Codner, in consideration of bringing up the children of the deceased, and paying his debts.†

Mr. John Gidney had his license renewed for drawing wine and keeping an ordinary.

Mr. John Ruck had his license renewed for keeping an ordinary and drawing wine.

Samuell Archard, the marshal, being presented for being disguised with drink and it being proved that he was distempered

for it, neither he nor we thinking he had been so near to his end. John Higginson,‡ Henry Bartholmew.‡

"I Henry || Bartholmew || haue subscribed to what is aboue written onely that pticuler of devidinge the estate betweene his kinswoman and his wiues daughter but in discourse it did appeare to me it was his minde to giue her a pt of his estate after his wiues decease Henry Bartholmew.‡"

\*Will of Samuel Beadle of Salem, dated Mar. 12, 1663-4. He bequeathed "vnto my Son nathanyell Beadle ten shillings : it being as much as I conciud conveyent vpon divers good considerations also with respect to what I haue alreedy don for him. It I giue to my daughter Dorithy forty shillings For the rest of my estate, moueables and vnmoueables, what euer God haue giuen me in this world, (when all my Just debts are paid) I giue to my three smalest children now at home with me, namely Samuell, Thomas and Elizabeth, equally to be devided betweene them, & to be paid at the age, of 21 years my sons & my daughters at ye age of 18 yeares or maryed & of y<sup>e</sup> three viz: Samuell Thomas & Elizabeth y<sup>e</sup> survivors at the time of payment to haue y<sup>e</sup> deceased pt devided And lastly I doe apoynt my Loveing freind m walter price to be my executor of this my will & m<sup>r</sup> John Croad & Hillyard Veren ouerseers." Samuell Bedle.‡ Wit: Hillyard Veren‡ and Thomas Watson.‡

†Copy of Salem court records of 6 : 1 : 1653, appointing Elizabeth Chin of Marblehead, administrator of the estate of her husband, George Chin, etc., made by Hillyard Veren,‡ cleric.

‡Autograph.

with drink, was referred to the Worshipful Major Wm. Hathorne for further trial with respect to what was further intimated to the court concerning other miscarriages of a similar nature.\*

Joseph Bowed had 5li. of his former fine respitted until March next.

William Stuart, dying intestate, an inventory† was presented by Sara, his wife, amounting to 39li. 3s. 11d., which was allowed. Said Sara was appointed administratrix.

\*Rachell Codner, Mary Browne and Sarah Pike, all of Marblehead, deposed that upon a second day of the week this summer they saw Samuëll Archer of Salem, marshal, leading an Indian woman by the hand along the way, and that he reeled very much as he went, etc. Sworn, 6 : 5 : 1664, before Wm. Hathorne.‡

Luke Morgan and George Knight, both of Marblehead, deposed that they saw Samuëll Archer put the Indian woman from him and take up the lap of her skin or coat and throw it aside, etc. Sworn, 6 : 5 : 1664, before Wm. Hathorne.‡

Christopher Waller deposed that "one day before a daye of Humylyation this last spring at y<sup>e</sup> evening or thereabouts I mett with Samuëll Archard in the streete, by m<sup>r</sup> Brownes, saw him fale downe, & I being neere him went to him, & spoake to him & || he || answered me not but sed Hoogh, & he rising up went towards Richard Princes Railes & there stumbled & fell downe againe, & I observed as he went he staggerd & smelt of drinke." Sworn before ye Worshipfull Major William Hathorne at an adjournment of a county court held by his worship 14 : 9 : 1664, attest Hillyard Veren,‡ cleric.

Isack Williames,‡ aged about thirty-three years, deposed that Sam. Archard, sr., came to his house distempered with drink. Mr. Baker testified to the same. Sworn, 1 : 5 : 1664, before Wm. Hathorne.‡

†Inventory of the estate of Willyam Steward, lately deceased, taken by Thomas Bancroft‡ and Robert Gowing:‡ Two cows, 9li.; 1 mare, 2 yeare, 7li.; fife young shots, 2li.; his wearing close, 3li. 12s. 6d.; two hats, 16s.; the flocke beed & beed close, 5li. 6s.; a payer of shets, two towilles & a pellowber, 1li. 6s.; two eyern pots & two payer of pot hokes, 1li. 6s.; 2 fryin pan, 2s.; a smothing eyrin 2s. 6d.; fouer puter platers, 14s.; a puter pote & 6 sponns, 3s. 6d.; a brase scillet, 5s.; a dossen of trenchers, 1s. 3d.; woding vissels, 3s.; a churne, 6s.; a pail & two mylke pans & pot, 3s.; one sefe, two betelrings & an wedg, 3s. 8d.; one hansawe, ould how, two ould axes, 6s. 6d.; one raper & a barell of a gown & a locke, 1li. 16s.; two saxe & on sithe, 7s.; a cuberd & a chist, 13s.; a sadell & a bridell, 1li.; a payer of cards, 3s.; a Carte boody, boxes

‡Autograph.

Richard White, dying intestate, and being indebted to the widow Smith for diet, court ordered that the amount of the inventory, 2li. 14s., be given to widow Smith toward her bill, she to administer upon the estate.\*

Relict of George Fraile presented an inventory† of her husband's estate, which was allowed.

John Godfrey was allowed costs in an action entered by Henry Archard of Ipswich, who did not appear to prosecute.‡

Servants of the house allowed 6s. 8d. and Elder Browne's maid, 12d.

and hoopes, 1li. 8s.; in lumber, 12s. Sworn to by Sara Stuart, the widow, before Hillyard Veren,§ cleric.

\*Inventory of the estate of Richard Ellitt, appraised Mar. —, 1662-3, by Jefferie Massey§ and Tho. Rootes:§ A short Coate & a p. breeches, 2li.; an over worne Caster, 10s.; an ould shirt, 2s.; a payre of ould stockings, 2s.; total, 2li. 14s.

Copy of Salem court record of 30 : 4 : 1663, the widow Smith was appointed administratrix of the foregoing estate and ordered to keep it in her hands & not make payment to any out of it for a twelfth month to come without the court's order. Copy made by Hillyard Veren,§ cleric.

†Inventory of the estate of George Fraile of Linn, who deceased 9 : 10 : 1663, taken by Thomas Laughton, Thomas Putnam, John Puttnam and John (his mark) Tarbey : Houseing and upland, 50li.; salt and fresh meddow, 40li.; two cowes, 8li.; one cow and three steeres, 14li.; foure young cattell, 7s.; eight sheepe, 4li.; hay, 5li.; foure shotes, 1li. 10s.; one bed with all bedding, 6li.; one bed more with bedding, 3li.; one table cloath & six napkins, 5s.; four pillow beares, 10s.; foure paire of sheets, 4li.; foure sheets, 2li. 10s.; his wearing apparrell, 7li.; one bed & beding, 4li.; a chest and a box, 1li. 5s.; in Iron potts & brase with pott hookes, 3li.; in pewter, 1li.; one warmeing pan, 8s.; wooden Lumber, 2li. 5s.; In armes, 2li.; In tooles, 5li. 14s.; five bookes, 10s.; psell of small Iron things, 1li.; table, chaires & stooles, 10s.; sithes and howes, 8s.; mault & corne, 2li. 3s.; yarne, 4s.; one peece of new cloth, 1li. 10s.; Timbar, 2li.; ladders, brakes & wheelbarrows, 12s.; provision, 3li. 10s.; total, 184li. 14s. This inventory was received in Ipswich court, Mar. 29, 1664, and copy made, Apr. 2, 1664, by Robert Lord,§ cleric.

Elizabeth (her mark) Frayle brought into court, 28 : 4 : 1664, a further account of the estate, dated 19 : 4 : 1664, that there were owing to George Frayle of Lynn, 6li. 12s. 8d., and that he owed 7li. 14s. 9d.

‡John Godferyes bill of charges, 11li. 6s.

§Autograph.

Samuel Gaskin and his wife and John Maston were sentenced to pay for twenty days' absence from public ordinances at 5s. per day, that is 5*l.* for each person. Also Richard Gardner, Robert Stone and Robert Gray were convicted for absence from meeting.

Fines brought in by the Worshipfull Major Wm. Hathorne:—

On 22 : 10 : 1663, John Harris and Lawrance Barnes, for drunkenness and striking one another.

On 16 : 2 : 1664, Peeter Strickland, for running away from his master, Thomas Putnam. Jon. Pickering promised to pay it.

On 25 : 2 : 1664, John Mason, for being drunk.\*

On 17 : 3 : 1664, John Slatter, for striking Henry Trevitt's wife.†

On 17 : 4 : 1664, Tho. Pigdon, for drunkenness, and William Wood, for committing folly with his wife before marriage. Wood confessed and Capt. Corwin agreed to pay the fine.‡

#### COURT HELD AT IPSWICH, 27 : 7 : 1664.

Judges: Mr. Symon Bradstreet, Mr. Samuel Symonds, Major Genrll. Denison and Major Wm. Hathorne.

Jury of trials: Ens. Tho. French, Fra. Wainwright, William Fellows, John Dane, Tho. Smith, Jo. Poore, Ste. Greenlief, Ed. Richardson, William Acie, Rich. Swan, Jo. Broocklebanke and Isaack Comings.

Grand jury : Abr. Tappan, Rich. Kimball, Tho. Law, Jo. Denison, Ed. Bragg, Allen Perley, Will. Elsyne, Jo. Merrill, Wm. Jackson, Jo. Dressor, Ed. Hasson, Fr. Pabody and Tho. Chandlour.

Sergt. Rich. Jacob v. William Pritchett. Withdrawn.

Tho. Baker v. John How. Slander. Verdict for plaintiff.§

\*He was also set by the heels an hour for abusing the constable.

†John Slatter, jr.

‡Wm. Wood was married 19 : 8, and the child was born the latter end of the second month.

Writ : Major Nich. Shaplegh, Humph. Chadborne and Walter Barfoote v. Sesegeaway, Indian; for about one hundred skins; dated June 4, 1664; signed by Elias Stileman,|| for the court. ❏

§Writ : Thomas Baker v. John How; slander; for defaming his name in saying that two of Goodwife Bates' children were his; dated 12 : 7 : 1664; signed by John Redington;|| and served by Edmond Bridges,|| deputy constable of Topsfield.

Thomas Baker's bill of cost, 1*l.* 15*s.*

||Autograph.

William Story v. Will. Whittred. For not paying for a piece of fence. Verdict for plaintiff.\*

Mosses Bradstreet, Nich. Holt, John Kimball, Nicolas Wallis, George Bonfield and their wives v. Willm. Watters and Hanah, his wife, late wife of John Bradstreet and administratrix of his estate. Trespass. Withdrawn.

John Dane v. John Gould. For cure of a wound. Withdrawn.

George Hadley v. John Godfry. Review of a case tried at Salem court. Verdict for plaintiff. Both parties came into court and agreed to acquit each other of the judgment of both Salem and

Edmond Bridges, aged about twenty-seven years, deposed that he heard John How say that some of Goodwife Batts' children were Thomas Baker's and one was William Hunter's, and when said How came from Rowly he heard Goodwife Kimball say that Goodwife Batts told her so, etc. Daniell Clerke deposed the same. Sworn in court.

Thomas Backar and Edmond Bridges testified that John How affirmed that John Kimball's wife never told him that Goodwife Batts accused Thomas Baker, etc. Sworn in court.

Mary Kimbal deposed that she never heard Goodwife Bates say anything about Thomas Baker, etc.

John Kimball and Thomas Kimball testified that when Thomas Backear and John How came down to their house, the latter said that if John Renetan said he told the stories, he would abide by it, as for Goodman Clark and Edward Briges there was no heed to be taken of what they said for every one knew what they were. Sworn in court.

\*Writ, dated Sept. 15, 1664, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal or Ipswich, by attachment of corn in the barn.

William Story's bill of costs, 1li. 14s. 6d.

John Chot and Samuel Ingals deposed that Goodman Story desiring them to measure the fence and to adjudge what it might be worth as rod douing and in measuring it, they found it to be eighty-six rod and a half, which was worth 6li. 2s., the douing, being 17d. per rod, wanting 6d. half pay. Sworn in court.

Seth Story testified that Goodman Whitred being at his father's, he heard his father ask him when he would fence and he said he could not do it. Deponent's father told said Whitred if heshould fence that he would carry his fence away again after it was set up. Sworn in court.

"Goodman Chote was to give him a pige for a pope : and Calen to him for to tack it away : his answer was the divell split mee & the pige to & such wordes : I have heard him often saye."

† Autograph.

Ipswich courts. It was ordered to send attachment to bring Abraham Whittcker to answer about his doubtful oaths in this case.\*

Mr. Peeter Duncan v. Robert Elwell. Verdict for defendant.

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\*Writ, dated July 2, 1664, signed by Hillyard Veren,† for the court, and served by Robert Lord,† marshal of Ipswich.

Copy of a receipt, dated Mar. 20, 1657, and deposition of Richard Littlehale sworn before the commissioners of Haverhill, Nov. 17, 1663, taken from Salem court files by Hillyard Veren,† cleric.

Copy of record of Salem court, 28 : 4 : 1664, John Godfery v. George Hadley, made by Hillyard Veren,† cleric.

Copies of the writ and service in foregoing action, and of George Hadley's bond, dated Mar. 25, 1661, taken from Salem court files by Hillyard Veren,† cleric.

Copies of depositions of Richard and Mary Littlehale, Elizabeth Whittiker, Abraham Whittiker, Edward Yeomans and Robert Clements, taken from Salem court files by Hillyard Veren,† cleric.

Robert Clements testified that he never owed but one debt to Godfree and he paid it at once to George Hadlee. Sworn, Sept. 26, 1664, before Henry Palmer and Danyel Lad, commissioners of Haverill.

James Pecker, aged about forty-two years, deposed that in the year 1663, he told Edward Ymans, who was working with deponent that he must help him the week following. He answered that he could not help him in the beginning of the week because he was to go to Ipswich to testify for John Godfre. Deponent told him that he might go to Andover and depose before Mr. Broadstreet instead, but he said that he dared not refuse to go to Ipswich because he was in Godfre's debt and the latter might take away all that he had. Sworn, Sept. 26, 1664, before Henry Palmer and Danyel Lad, commissioners of Haverill.

Edward Clarke, aged about forty-three years, deposed on Sept. 26, 1664, that Edward Yeomans wept and said that he was obliged to testify for John Godfere because he was in his debt, etc. Sworn, Sept. 26, 1664, before the commissioners of Haverill.

Abraham Whitticker testified that George Hadly said that the thirty-three bushels of wheat were not on the bond that he had of Robert Clemens upon John Godfry's account when said George Hadly gave the receipt to Robeart Clements for the said corn. Deponent had also heard Godfry say several times in his house that deponent's wife would betray him one time or another, and that he would get five pounds of said Hadly if he could because Hadly had caused him to lose ten pounds in his pay upon the bond in forcing the oxen upon him the year before. Sworn, Sept. 24, 1664, before Simon Bradstreet.†

† Autograph.



Appealed to next Court of Assistants. Mr. Peeter Duncan and Robert Crose bound.\*

John Emery v. Richard Kent. Verdict for plaintiff.†

\*Writ : Mr. Peter Duncan v. Robert Elwell; for withholding four pounds from him which he promised to pay in behalf of Rich. Bullard; dated Sept. 19, 1664; signed by Edmund Clarke,‡ for the court; and served by Thomas Millit,† constable of Gloster, by attachment of house of defendant.

Robert Elwell's bill of cost, 12s. 2d.

Mr. Peter Duncan's bill of charges, 1li. 7s. 6d.

"m<sup>r</sup> Browne I pray pay Richard Bullard four pound and charge it to the account of your frend

"the 19 of aprill 1662

Robert Elwell his marke."

On Apr. 23, Rich. (his mark) Bullard assigned the note to Peter Duncan.

Mary Duncan, wife of Mr. Duncan, deposed at Gloucester, Sept. 26, 1663, that she heard her husband tell Robert Elwell that he had his bill that he gave Richard Bullard to go to Mr. Browne of Salem for goods, and that her husband told said Elwell that said Bullard had assigned the bill to himself and had taken up goods for it. Further, her husband said he would carry the bill to Mr. Browne of Salem because he owed him something and then there would be an end of it. Elwell said "no that is all one," and not to carry it to Mr. Browne for he would be troubled if he had no fish in the spring for it. Elwell told him to place it to his account and he would pay him either in fish or mackerel the next fall. Sworn before John Emerson.‡

Thomas Prince, aged about forty-five years, testified that he was at Mr. Duncan's house to pay Richard Bullard something that he owed him, before said Bullard went out of the county, etc. Sworn in court.

William Sargent, aged about thirty-seven years, deposed that he heard Robert Elwell say that he heard that Richard Bolord had taken up at Mr. Duncan's the value of a bill that said Bolord had of Elwell to Mr. Browne of Salem, etc. He further in the year 1662 bade Duncan compare the bill he had of Bolord and that which Mr. Browne had, and he refused to do it, etc. Sworn in court.

†Francis Plumer testified that he went to Richard Kent's and told him that there was a colt about his house, which he thought was his, and the latter said he would give deponent his right in the colt for two years. This was before Goodman Emry took up the colt for a stray. Confessed in court by the defendant.

Thomas Blomfield and Daniel Thurston deposed that they appraised the colt at six pounds and they found no marks on the colt, and saw it recorded in a book. Sworn in court.

‡Autograph.

John Meager v. Ossman Dutch. Debt. Verdict for defendant.\*

Susanah Rogers v. Mr. Philip Nellson. Verdict for plaintiff, the sixth part of the land at Plumbe Iland.†

William Neaf deposed that Goodman Kent told Goodman Emry that he took the colt because it was his own, "is it not lawfull for me to take my owne whear I doe find it goodman Emry said noe for the law is against it saith goodman kent I know noe such law." Kent also said that Sam. Lowle knew the colt to be his and there was a withe about its neck. Samuel Plumer deposed the same. Sworn in court.

\*Writ : John Meagars v. Ausman Duch; for withholding a debt of 40s. which he promised to pay to Mr. Browne of Salem upon said Megar's account and bring in Browne's receipt to him; dated Sept. 19, 1664; signed by Edmund Clarke,‡ for the court; and served by Thomas Milet,‡ constable of Gloster, by attachment of house and land of defendant.

Edmund Clarke‡ certified that Megers told him that his debt was 47s., but bade him take bond for four pounds. He further certified that he made the attachment of 40s. on Sept. 19, 1664, and when it was in his hands again on Sept. 24, 1664, it was interlined without his knowledge.

Anthony Day, aged about forty years, deposed that he heard John Meagus threaten Osmond Dutch that if he came into the stage any more to fetch cods heads more than his own share, he would make his heels fly higher than his head, and would throw him over the stage head. Sworn, Sept. 26, 1664, before Samuel Symonds.‡

Thomas Prince, aged about forty-five years, deposed that the wife of Osman Duch came to him and asked him to try to get her husband and John Meger to agree so that they would not go to the Court of Assistants, which he did. Said Duch was to pay forty shillings and to pay the clerk for drawing up the copies of the testimonies, etc. Sworn in court.

William Sargant and Thomas Militt, jr., deposed that they heard John Meger say that he interlined the words, "and seven shelings mor for the papers." Owned in court, 27 : 7 : 1664, by John Meager.

Thomas Verey deposed that being at Mr. Duncan's new house with some of his fishermen, he heard discourse concerning making the bond, etc. Sworn, Sept. 26, 1664, before Samuel Symonds.‡

Trufram Elforde, aged about forty years, testified that Osmund Dutch, coming into Mr. Dunkunes stage, had some words with the shoreman, etc. Sworn, Sept. 26, 1664, before Samuel Symonds.‡

Osman Duchis bill of cost, 2li. 1s. 2d.

†Writ : Susanna Rogers, late wife of Robert Rogers, deceased,

‡Autograph.

administratrix of his estate v. Mr. Phillip Nelson; trespass and title, for coming upon her land and giving deed and possession to other men, which land is the land of Rowly division in Plumb island; dated Sept. 16, 1664; signed by Anthony Somerby,\* for the court; and served by Willia. Laws,\* constable of Rowly.

Susanna Roger's bill of cost, 2li. 16s. 6d.

"I ame grattle damnified as being dispocest of my habitashon the whish I shall lave to your wise Judgment and ben hendred of macking use of my madow whish is about forty ackers for the whish I could have had too shelins a acker I mowd som of it and it was fatched away about ten lods of it and the lose of my grase pots me upon grat soferings for want of corne whish I could have had for my gras."

John Mihill, aged about thirty years, deposed that he saw at Plom Iland, Mr. Philip Nalson and Jereme Juet give possession to Hener Jacush and Richard Douell of part of Plom Iland, that is Roule division. It was given part for the whole by turf and twig with a promise to save them harmless from Susana Rogers, in these words, "If she could mack it cost them a hundred pounds they would paiet." Sworn in court.

Willyam Troter and John Woolcot deposed.

John Willcot and John Amere, sr., deposed that Mr. Nalson told Goodwife Rogers that he had given a deed to Goodman Douell and Goodman Jacush and would give no more to her or anybody else.

Steven Grenleff, aged about thirty-five years, deposed that he paid to Mr. Joseph Juet of Rouly three score and nine pounds for the use of John Bond which pay was for part of Plom Eylend and that deponent took up his bond of Mr. Nelson, etc. Sworn in court.

Deed, dated Aug. 15, 1659, Joseph Jewett† of Rowley, clothier, to Robert Rogers and William Trotter of Newbury, sixty odd shares of Plumb Iland, upland and marsh, in Rowley division, and if the rest of Rowley division should be for sale said Jewett was to allow twenty shillings for every share for the purchasing thereof, for which they were to pay to Jewett 200li., 100li. in corn, cattle, beef or pork at the now dwelling house of Joseph Jewett in Rowley before Sept. 29 next, and 20li. yearly for five years; if the pay be not forthcoming in that time the forfeiture shall not be due for seven years, provided said Trotter and Rogers pay 6li. forbearance the first year, and thereafter 18d. in the pound. Wit: Stephen Swet\* and Thomas (his mark) Seers. Willi. Troter,\* 7 : 7 : 1664, assigned his interest in this land to Susana Rogers. Wit : John How\* and John Woolcott.\*

Robert Rogers,\* sometime of Newbury, acknowledged, on 22 : 3 : 1661, to Phillip Nelson of Rowly a debt of three score pounds for a third share of Plum Iland, which he bought of Mr. Joseph

\*Autograph.

†Autograph and seal.

Jewett, 20li. to be paid in wheat, barley, malt, beef or pork, and the other 40li. in corn or cattle, to Philip Nellson, the provisions to be paid at the house of Richard Dowell in Newbury, and the cattle at Phillip Nellson's dwelling house in Rowly; before sealing it was agreed that the cattle were to be delivered at Richard Dowell's dwelling house in Newbury and said Rogers was to ferry over the cattle at his own cost and to help to drive them to Rowly town. Wit : John Burbank\* and John Bond.\*

Agreement, dated July 2, —, between Robert Rogers† and William Trotter† on one part, and John Bond† of Neuberie on the other part; Rogers and Trotter, both of Plum Iland, sold to John Bond the third part which they bought of Mr. Joseph Jewett upon the same conditions that they were bound to said Jewett, and they agreed not to sell any part of that land, except to one of the partners at the same terms that it cost, upon forfeiture of 40li.; also none of them shall let or mortgage without consent of his partners, nor keep above forty neat cattle for a share. Wit : Edward (his mark) Richeson and Gyles (his mark) Cromlon.

Bond of Philip Nellson\* of Rowly, dated May 22, 1661, to Robert Rogers of Rowly, to make good assurance of the land at Plum Iland after the payment of three score pounds, etc. Wit : John Bond\* and John Burbank.\* Acknowledged, July 13, 1664, before Samuel Symonds.\* Recorded, July 14, 1664 among the records of lands for Essex at Ipswich, book 2, folio 207, by Robert Lord,\* recorder.

Stephen Swett, aged about forty years, deposed that the writing dated Aug., 1659, which he witnessed, he could not remember, but he believed it to be his hand and would not deny it upon his life. Sworn, Sept. 27, 1664, before Samuel Symonds.\*

Susanna Rogers' complaint : "I being a poore widdow, haueing fower Children left me, doe humbly desire this honnered Court to Consider my Condition, my husband died & left me litle, but a peell of land uppon plum iland, w<sup>ch</sup> he bought of m<sup>r</sup> Joseph Juit w<sup>ch</sup> my poore Children was put out prentis to pay for this land, goodman Trotter & my husband bought it of that was Rowly deuison, w<sup>ch</sup> was 60 odd shares . . . whereas Richard Dowell & henry Jaques should Com to us for assurance for this lande they bought of vs, they privatly & subtley goeth to m<sup>r</sup> Nellson & informes him that they had now bought all the land upon Plum Ileland of Rowly deuison & therefore desires him to make a deede of assurance to them & in there names, of the wholl deuison not onely of that they bought, butt also of my lande, w<sup>ch</sup> we have occupied & lived upon this five yeares : m<sup>r</sup> Nellson & Jeremy Juit have also giuen them possession, whereby I am disapoynted of my grass w<sup>ch</sup> I might have had for my release, also they Carried away the hay w<sup>ch</sup> I lett men have for there pay, soe that I am like to loose all for they give out as they say, that I shall haue neither

\*Autograph.

†Autograph and seal.

William Dirkee v. Robert Cross. Verdict for plaintiff. Defendant was to give his daughter in marriage or pay 5li. damages.\*

land nor grass there; likewise they have ingaged to m<sup>r</sup> Nellson to beare him harmeless or them in this there actions, all the time of my husbands life they weare quiet & a little while longer, till I desired of them my thirds of that they bought, contrary to my minde & knowledge w<sup>h</sup> desire I think was iust & righteous & it neede not soe have puoked them to indeuer to take or gitt from me that w<sup>h</sup> is my right, for its knowne they have litle neede of it but it is my liuelehoode soe not to be troublesom any further to this honnered Court, but euer desire to rest on the prvidence of god."

\*Writ, dated Feb. 22, 1664, signed by Robert Lord,† for the court, and served by Theophilus Wilson,† constable of Ipswich.

Margrit Bishop testified that being asked by Martha whether she should go home to her father, deponent told her that it was best for her to do so, "at that William being discontented, she desired me in the presence of God to beare witnessse that she would have no other man but he furthermore she said why will not you trust me as well as I have trusted you hitherto. And hereupon she went away to her father." Sworn in court.

Grace Searl testified that she heard Martha Crosse say, when her friends came for her, that she told William that if she went away she would come again and would not forsake him. Sworn in court.

Thomas Bishop† testified that Martha Crosse desired him several times to speak to her father that she and William Durgy might be married. Sworn in court.

Mary Bishop testified that Martha said it was her greatest comfort that her father had given his consent to her marriage, which was to take place on the nineteenth of the present month. Sworn in court.

"Honored Sier you may Esilie understand how the Case stands conserne my dauffer : & I give them leve to marie

Yo<sup>r</sup> Seruant Rob. Crosse :†"

"Naybor Booshop : to you & yo<sup>r</sup> wiffie this is to let you understand o<sup>r</sup> — mindes is so the Case standing as it dous : wee leue yo<sup>r</sup> seruants to yo<sup>r</sup> dis — and for the — you may poot it to ana period as soone as you please : we shall no ways hinder it : — hartes are sore oprest : wee ar as full of sorro the — ous & goud you in the thing : Yo<sup>r</sup> : Robert : Cro —

"the 12 of the 7th moth 64."

On the reverse of the foregoing paper : "For Her muche Respected Frende M<sup>r</sup> Robert Crosse att Ipswich in newe England These present with Care."

†Autograph.

Robert Crose v. William Dirkey. For abusing his daughter. Verdict for plaintiff.\*

Mr. Anthony Crosby v. Lift. Sam. Brocklebanke and Ezekieell Northend, in behalf of the town of Rowley. Withdrawn.

Isaack Burnap v. Tho. James. Slander. Withdrawn.

Mr. Edmond Batter v. Daniell Grasier. Debt. Verdict for plaintiff.†

\*Writ, dated Sept. 22, 1664, signed by Daniel Denison,‡ for the court, and served by Theophilus Wilson,‡ constable of Ipswich.

Goodman Storie deposed that "Martha Crosse beeing at her Sister nellsonnes house neere too goodman Storie Martha beeing in sore destresse of mind in the Consideration as shee Conseued she had binn cast out of her fathers favor : & familie : was so horied & destressed in mind ; that her Sistor nellsonn : Came downe to mee much afected lamenten with teares y<sup>t</sup> much afected my hart to heare her : woe sayd I thought my Sistor would haue died to night : but shee thought shee Could not live an other in that Condition : I beeing much afected with there Condition : sayd why doe you not goe to yo<sup>r</sup> Father & macke your Condition known vnto him : to which shee answered o I dayer not goe to speack a word in her behalfe then I sayd will you goe if I goe downe w<sup>th</sup> you then goodey nelson sayd I with all my hart : so wee went downe to goodman Croses & there wee found them in a sad & sorrowfull Condition verie much horied in there sperite not knowing which way to turen or what to say : & as my apprehenson then lead mee : did treat with them about the soferen them to marey the which hee did & that was the way then y<sup>t</sup> wee thought to bee the best."

William Nelson deposed that Willam Dorkei said, at deponent's house, after Goodman Stories had been at his father's, that he wished he had never spoken as he had, owning the child to be his, but he had eighteen meals a week and would spare six of them to keep the child.

John Bishop deposed that he heard William Durgee say that he had rather keep the child than keep her, but he presently said if he kept one he would keep the other, and they agreed to be married the next day.

†Writ, dated 25 : 6 : 1664, signed by Helyard Veren,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, by attachment of a stack of wheat and a parcel of grain.

Daniel Green‡ acknowledged a debt of four pounds, Apr. 7, 1663, to Edmund Batter, ten shillings to be paid in butter, twenty shillings in pork and fifty shillings in corn before Nov. 1. Wit : Helyard Veren‡ and Hannah (her mark) Weeks.

‡Autograph.

Thomas Averill acknowledged judgment to Mr. Edmond Batter of Salem.

Hannah Smith of Rowley chose Lenoard Harriman as her guardian and he was bound to pay her her portion when it became due.

Nicolas Tucker, late of Marblehead, dying intestate, administration upon his estate was granted to his brother Andrew Tucker of Marblehead, fisherman, and he was ordered to bring in an inventory to the next Salem court, that the estate might be disposed of to the right heirs. Andrew Tucker and Mathew Price, sureties.

James Preist of Salem, dying intestate, administration upon his estate was granted to his father, James Preist of Waymouth. An inventory, amounting to 14li. 18s., was presented, which was ordered to remain in his hands until the court took further order.

Upon petition of Mosses Bradstreet and his sisters about ordering the estate of their brother John Bradstreet, deceased, his widow, now the wife of William Watters, having been appointed administratrix at Salem court, June 26, 1660, this court ordered the estate as follows: There being an inventory brought into that court, amounting to 103li. 9s., and other estate to the value of 20li. more now being presented, court ordered the four ten acre lots in the inventory appraised at 30li., free from thirds, to be given to Moses and his sisters, in case the said wife of William Watters made claim to her thirds, then ten pounds more out of the other estate, and the rest of the estate to the said Hannah Watters, wife of William Moses was to have a double portion and the sisters to have the rest, both land and estate, to be equally divided among them.

Richard Window, being formerly released from training, paying a bushel of corn per annum, this court released him without pay.

Allen Perley, being formerly released from training, paying 10s. per annum to the use of the company, was abated to 6s.

William Moore was released from training without pay.

Thomas Willson was released from ordinary training.

Samuell Ward of Marblehead was licensed to retail strong water as other merchants, but not to have it drunk in his house.

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Edmund Batter,\* by letter dated Salem, 24 : 7 : 1664, appointed the marshal his attorney at Ipswich court in actions against Walter Taylor of Salisbury, Tho. Avry and Daniel Green.

\*Autograph.

Samuell Graves was released of his bond for appearance, and discharged of his presentment.

Zachry Debell was released of his bond for good behavior.

Stephen Godwin, upon proclamation, was released of his bond for good behavior.

John Attkinson, upon proclamation, and no further evidence appearing, was discharged of his presentment.

Upon complaint against Marke Quilter, court declared his bond for good behavior forfeited, and bound him again to be of good behavior, especially to his wife.

John Millington was discharged of his bond for good behavior.

Upon complaint made against Daniell Black and his wife, court ordered that they should sit one hour in the stocks, and for the future that said Black was not to threaten his wife or miscall her and to live peaceably with her, and she was to be orderly and not to gad abroad. She was further ordered not to be in company with John How or Judah Trumble nor come to the house of John How unless her husband sent her on business, and if either of them offended against this order, they were to be whipped.\*

\*Summons, dated July 22, 1664, to Daniel Blake to answer a complaint for having forced his wife from him, not suffering her to live with him, signed by Samuel Symonds† and Daniel Denison.‡ Said Black was bound for appearance, and Edmund Bridges, jr., was bound to prosecute the complaint.

Complaint of Dannell Black‡ against his wife Faith Black :  
 "For her keeping company with Juadath Trumbell and John Hoow and for keeping of John Hoows hous and espashelley one night above the rest the saide faith Baek was seen walking with Juadath trumbell About the daye Light sehuttin in withing a Lettell Spacese earch of the other and being not seen from that tyme till mednigh or aboute that tyme and then Goodey Baek came to Goodman wakeles house shee came to the dore and knocked att the dore soe sauft that no one could not heare her att Last shee went the back side of the house and takin up a clow Boord and knocken Against the house wakned the woman and the woman ris and opned the dore and lett her in and Asked whare shee had been that tym of night shee Answared she had ben att Goodman Clarkes eaten of fish Goodey wakley Asking why shee did nott goe home to her hursband and to her one house shee Answared and sd that shee did not Care for goein home And Lickwise att other severell tymes being scene att John Howes hous and sum tymes in bed with John Hoow was seen to bee and allsoe her husband being A Pore man

† Autograph.



and one that hath nothing to Live by but his Labor had but one Cow and for the want of the milchen of her Lost the Profet of her by his wifes carlesnes whare upon hee was Provoked severell tymes and often to theretten her and tell her that hee would complaine of her to the Court her Father And the rest of her frinds with John How together hearing of this made A Complant to Mr Symons," etc.

Goodwife Black complained that her husband had called her baud, swearing and cursing at her, threatening to kill her and knock her brains out. He told her to go and shift for herself and pulled off her stockings, turning her out of doors and not suffering her to come in, so that she was forced to go in the snow to Goodman Carall's, which was half a mile from her home.

John How testified that he heard Danil Black "wish god to dam his soul if he ded not Bett his wif Brains outt."

Edmon Bridges and John How testified that he forced his wife out so that she was obliged to go half a mile up to the knees in snow to get relief.

Obidia Bridgis deposed that Danill Black and his wife were at deponent's father's house, and she was very ill. There were several people in the house and Thomas Lovekin was desired by "my seester black" how his finger was that he had cut off. Danill Black seeing this, told his wife that he vowed that he would make her know sorrow for that. Some hours after, he asked his wife to go up with him to Mosis Pangren's and she refused, but he went and brought down a bottle of sack, drank some of it with his wife and so fell out with her. Deponent came between them and prevented his striking her, and Black replied "you Rog I will ron you thorow," having his knife drawn in his hand. Deponent and Edmon Bridges also deposed that they heard Black at Wenham tell his wife to go bring a sickle out of a field of corn when it was very wett weather and when she had not been abroad a great while on account of a great sickness, and when she refused to go, he abused her so that they had to send for the constable to quiet him.

Thomas Hobes and his wife testified that a woman ought to be a meet help for a man, but Black's wife provoked him by her words and carriages, and they had heard Black say that if his wife would stay at home, dress his victuals and wash his clothes and do by him as by a husband, he would allow her time to see her friends as much as she desired. But when she had been out two or three days and nights together, he could not help speaking to her. If she had done as she might have done, they would have lived very well and he would have worked and taken a great deal of pains, but when he reproved her, she said she would do it again. If deponents' wife had not washed his clothes and fed his swine, they would have suffered, yet all the thanks Black's wife gave her was to tell her that she did not ask her to do it.

John Gould deposed.

Capt. Walter Barfoote and Mr. Henry Greenland, upon complaint made against them by Wm. Thomas and Richard Dole, concerning abuse of them, were ordered to pay a fine of 5*li.* each

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Elizabeth Perkins, sr., and Agnes Ewens were ready to depose as follows, if called : That they did not desire to testify, but what had brought them forth was the busy prattling of some other, probably the one whom they had taken along with them to advise a young woman, whose simple and foolish carriages and words, having heard of, they desired to advise better. This had come to the ears of Dan. Black, who had them summoned as witnesses. They desired to be excused from testifying because what was told them was a private confession which they had never to that day divulged, and the woman had never offended since that time but had lived gravely and soberly. The testimony was briefly that Mary, wife of John Howe, confessed to them and to Mary, wife of Dan. Clarke, that Goody Black lay with her one night in her husband's absence, and her husband coming home, etc.

Thomas Dorman testified that one day when Daniell Blacke worked with him at the village, which was a very wet and cold day, he went home expecting to find his wife. She had brought a waist-coat to deponent's house and then went to Mr. Baker's, from which place Goodman Meddalf's man carried her to John How's where she stayed all night, etc.

Zacheus Curtis and Luk Wakelin deposed that they heard John How say that Daniell Blacke was a jealous fellow, etc.

Luke Wakelin and Katherine Wakelin testified that John How had often given Judah Trumbold counsel not to keep in the company of Goodwife Black for fear trouble would come to him, etc.

Daniel Black, complained of by John How for abuse, was bound, July 23, 1664, by Samuel Symonds\* to appear at the next Ipswich court.

John Danfed deposed that after working at the plains one day, he called at John How's and saw Goodwife Blake there by the loom-side shelling pease and heard her say that she would be at John How's in spite of her husband's teeth.

Zacikes Curtes, jr., testified that he heard Edmond Briges say that John How's wife came, etc.

Luke Wakelin deposed that he went with Daniel Blake to John How's house to find his wife, and Goodwife How whispered to deponent to ask Blake to go to deponent's house to get a ladder and then she could get Goodwife Blake away, etc.

William Smith deposed that Goodman Bridges said that his sister Faith might live as well with Daniel Blake as any poor woman in Topsfield, but her proud spirit was enough to provoke anyone to do things that he would not do at another time, etc.

\*Autograph.

and to be bound to the peace, with sureties. Capt. Barefoot and Robert Addams bound. Capt. Barefoot appealed to the next Court of Assistants. Mr. Henry Greenland and Robert Adams bound. Mr. Greenland appealed to the next Court of Assistants.\*

\*Copy of warrant, dated June 6, 1664, for the arrest of Mr. Greenland and Capt. Barefoote for a great misdemeanor against Mr. Wm. Thomas and Rich. Dowell of Newbury, endangering their lives, signed by Samuëll Symonds and Daniell Denison, and served by Wm. Chandler, constable. They appeared before Samuel Symonds, † July 19, 1664, and were bound.

Wm. Chandler's † account of charges about Capt. Barfoot : For going after him to Salisbury ferry, bringing him to Ipswich before Worfll. Major Generall Dennison, "my selfe and two to assist me; he would nott come a foot, therefore I was constrained to hire 4 horses allsoe it was Late in y<sup>e</sup> day when I tooke him, by reson he went from mee, after I tould him my buisnes in Newbury," for expenses that night at Mr. Baker's also "I spent much time in searchin after M<sup>r</sup> Greenland," etc., 1li. 7s. 1d.

Wm. Thomas deposed that being in the inward room, Stephen Swett's kitchen, and seeing Rich. Dole abused, he went to Mr. Greenland and said, "Sir w<sup>t</sup> doe you meane to doe," his answer was "thou Roge art thou come?" He struck deponent down suddenly, but he arose again and then he thrust him against the boards of the little room, forcing him to a sill. Then he threw deponent down, fell upon him, kicked him, tore his leg, stamped upon his stomach very rashly, until deponent thrust up his feet and lifted him off. Mr. Greenland took hold of the door and the windoe and stamped upon deponent's breast and face until the latter was all bloody, except his eyes. When Greenland had finished, deponent saw him take the fore part of his coat, tear it in small pieces and then he went out of the room and told them to see how he had been abused. Sworn in court.

Rich. Dole deposed that he was at the ordinary in the common room, when Capt. Barrfoot, Mr. Greenland and an Indian were in conversation, and he sat down upon the bench, the man of the house being beside him. Deponent asked the latter if the Indian said he would attach Capt. Barfoot, and said Barfoot answered "You had best give in security to prossecute." Deponent replied, "Cap<sup>t</sup> I say nothing to you neither doe I meddle or make with you." Presently "he tould me he would prove me y<sup>e</sup> verriest knave in new England and would have made me an Examplee erre this had hee not bin p<sup>r</sup>swaded by some friends, I said to him Cap<sup>t</sup> doe not threaten me neither to my face nor behind my back, M<sup>r</sup> Greenland tooke up Cap<sup>t</sup> Barrfoots words, I said to M<sup>r</sup> Greenland w<sup>t</sup> if I should say that Clarke was an Ass or a foole to sett his name & give

† Autograph.

any man power to writte w<sup>t</sup> hee please. Capt. Barrfoot sitting on the other side of y<sup>e</sup> table said to me sirrah gett y<sup>e</sup> out of y<sup>e</sup> roome I will heave the pott att thy head, & presently threw y<sup>e</sup> pott & strucke me one y<sup>e</sup> head backward to ground, as soone as ever I had recovered my selfe, M<sup>r</sup> Greenland w<sup>th</sup> his hand & Foot struck me downe backward & trodd uppon me or kickt me, I being in a mase w<sup>th</sup> the blowes I cannot tell whether he did kick or tread uppon me, some body speaking to Cap<sup>t</sup> Barrfoot asking him why he did heave the pott at Rich. Dole head he made this answer he was sorry for nothing but that hee did heave it noe harder, and I doe solemnly professe to the honored Court I doe goe about my buisnes in feare of my life, of Cap<sup>t</sup> Barfoot and M<sup>r</sup> Greenland, and further saith y<sup>t</sup> after he was gottt upp hee says Cap<sup>t</sup> Barrfoot Came from y<sup>e</sup> inside of y<sup>e</sup> table w<sup>th</sup> his sword drawne, & w<sup>th</sup> highe threatnings words he spake to those which were in the roome." Sworn in court.

John Wilcott, aged about thirty years, and James Mireeke, aged fifty-two years, deposed that an Indian came into the house, who was indebted to Walter Barefoote, and the latter demanded his pay. The Indian did not give satisfaction and Barefoote desired Henry Greenland to secure him until he sent for a constable. Richard Dole came into the room as Barefoote was filling out a blank attachment and asked what he was doing or whether he were a clerk of the writs. Barefoote answered that, if he pleased to see, it was Elias Stileman's hand at the bottom of the writ, whereupon said Dole went out and came in again to their room and said that he who granted the attachment and acted by it was a fool and a knave. Cap<sup>t</sup> Barefoote desired him to leave the room, but he refused, etc. Sworn in court.

John Wilcott, aged about thirty years, and Jeramiah Gooderidge, aged about twenty-seven years, deposed that if Barefoote had not drawn his sword, he and Greenland would have been beaten, etc. Sworn in court.

Wm. Chandler testified that he was sent for to go to the ordinary to serve an attachment, and that the broil was over. He told Cap<sup>t</sup>. Barefoot that he might have killed Dole with the pot he threw at him and been hanged for it. Barefoot answered "it may be not," and said he would bear out Greenland in what he had done. Sworn in court.

Richard Dole's bill of cost, 11i.

Jno. (his mark) Davis testified that he was at Swett's house on Saturday, June 6, and there was Mr. Thomas, who, hearing that Ric. Dole was under the power of Mr. Greenland, had come in to rescue said Dole out of his hands. Cap<sup>t</sup>. Barefoot drew his rapier, "I being on the Kitchen side w<sup>th</sup> drew in to the Kitching from the rapier," and deponent endeavoring to rescue Mr. Thomas, "Mr. Barefoot came towards me w<sup>th</sup> his naked rapier & run against me sayd I showld not goe in gett the out let them alone for non shall

Edward Neland, upon his presentment for striking another man's boy, was fined, and for taking up a beast from another man's common was admonished.

John Acie, for his great misdemeanors, was ordered to pay a fine, lie a week in prison and to be bound to good behavior. William Acie and Jonathan Platts, sureties, for Acie's appearance at the next Ipswich court.\*

John Acie, Rich, Swan and William Acie bound for John Acie's commitment to prison within a fortnight.

John How, presented for a lie, was fined.

John How, presented for slandering and reproaching the town of Topsfield, was fined.†

goe in." When Mr. Thomas arose, his face was bloody so that the blood ran down on his band, he complained of his stomach and leg, and slipping down his stocking, his leg was bloody and bruised, with the skin off.

Benjamin Lowle‡ and Samuel Lowle‡ deposed, June, 1664, that Mr. Barfoot came with his naked sword, stood against the door and said that he would run any man through who came to the door to help Master Thomas, and he drove all out of the room, etc. Sworn, Aug. 10, 1664, before Daniel Denison.‡

\*Josuah Bradley deposed that he heard John Acie own that he said to his father that an old man, etc., and that there was no believing what he said. Further that he had wronged his conscience in speaking to uphold his father's honor but he should do so no more, for he had enough in black and white, which if he brought it forth, would make them both ashamed to mention his mother. Sworn in court.

†Samuel Perlay‡ testified that as he and John How were going to Topsfeald, the latter took a paper out of his pocket and read to him verses concerning Goodwife Pebody, Goodwife Clarke and Goodwife Andrus. These women were named in the first verse, to this effect, that these three women "do together flock and so they spend their husband's stock and master woodcock shall be preacher to those women, he ned not study above an ower or two in on week," etc.

Edmond Bridges testified that he heard John How say that Topfeald town had persecuted five or six of God's people out of the town, and his father being a godly man, they were against his coming to Topfeald. Likewise he said that he, being one of the seed of the faithful, was a victim of their spite and they would turn him out likewise. He also said that he was like Lot in Sodom, and that he would tell the court so when he went there. Sworn in court.

‡Autograph.

William Dirkey, presented for fornication, was ordered to be whipped not exceeding twenty stripes, and to put in security of 20li. to save the town of Ipswich harmless from the charges of keeping the child, or else go to prison. Thomas Bishop, surety.

Seven shillings were allowed to Sam. Plumer for ferriage for Mr. Woodman.

Court ordered a county rate to be levied upon the country, a quarter part of a single country rate to defray the arrears of the country debts and that the treasurer issue warrants to the towns of the county.

Mr. John Coggsell and Willm. Coggsell of Ipswich brought in an account of disbursements for the bringing up of the children of John Coggsell, jr., deceased, unto whom they were executors, and also by the discharge of several debts due from the said John Coggsell to the full value of the estate they received, except the land, which they return to the use of the children, and are discharged of their executorship, they yet to take care of the children until they choose guardians.

Five shillings given to the house.

#### COURT HELD AT HAMPTON, OCT. 11, 1664.

Grand jury : Lt. Benjamin Sweat, foreman, Isaac Buswell, Sam. Felloes, Richard Currier, Henry Blasdall, Joseph French, Jno. Robinson, Willi. Godfrey, Godfrey Dearbourn, William Samborn, Henry Moulton, Bartholomew Heath and Jno. Haseltine.

Jury of trials : Henry Palmer, foreman, James Pecker, Mr. Carr, Jno. Clough, Georg Martyn, Edward Goe, Rob. Page, Wm. Fullar, Nath. Batcheller, Sam. Fogg, Peter Johnson, Moses Gilman and Willi. Hackett.

Tho. Davis v. Jno. Hutchins. Debt. Due upon balance of account concerning the saw mill at Haverhill of which Jno. Hutchins is third owner. Verdict for defendant.

John Redman, assignee of Robert Wadley v. Isaac Cosens. Debt. Verdict for plaintiff.

Georg Walton v. Willi. Marston, sr. Debt. Verdict for defendant.

Samuel Perley\* deposed that John How told him that he made the verses that were lost in Goodman Briggesses shop, etc.

\*Autograph.

Sam. Winsly v. Capt. Robert Pike. Appeal from a judgment of the selectmen of Salisbury. Review of replevin for undue impounding of his cattle and withholding them. Withdrawn.

Abraham Drake v. John Fulsham, jr. Debt. Special verdict. If the evidence proved a legal demand, they found for defendant.

Robert Swan, the assignee of Peter Nash, v. Jno. Perly, jr. Debt. In wheat which should have been paid aboard Jh. Harrises bark. Verdict for defendant.

Robert Swan v. Steven Kent. Appeal from a judgment of the commissioners of Haverhill. Trespass by stealing a parcel of hay, four or five cocks, from his house lot in a swamp near Robert Swan's house. Nonsuited.

Capt. Bryan Pendleton, in behalf of himself and an assignee or attorney to Mr. Jno. Payne v. Jno. Gold. Debt. Mr. Jno. Paine's letter of attorney to Capt. Pendleton was presented and read in court. Verdict for plaintiff. Court concurred with the jury.

Willi. Hacket v. Robert Jones. Debt. Due for certain goods which defendant received of plaintiff. Withdrawn.

Henry Lamprey of Hampton acknowledged judgment to Mr. William Vahan, merchant, of Portsmouth.

Mr. Hussy, having been chosen captain of the military company of Hampton, was confirmed, as was also Benjamin Sheat as lieutenant.

John Samborne, having been chosen captain of the military company of Hampton, but it appearing that he had not been made a freeman, was referred to the General Court for confirmation.

Upon request of Mr. Henry Dearing and the approbation of the selectmen of Salisbury, he was granted license to still and sell strong water by retail in Salisbury during the pleasure of the court.

Mr. John Carlton was allowed as clerk of the writs for Haverhill.

Steven Dow and his wife Ann were presented by the grand jury for fornication, which they confessed. They were sentenced to be whipped not exceeding ten stripes or to pay a fine of twenty

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Execution, dated July 22, 1664, against Matthias Button to satisfy judgment granted 12 : 2 : 1664 to William Marston, signed by Tho. Bradbury,\* rec., and returned by Abraham Drake,\* marshal of Hampton.

\*Autograph.

shillings. They chose the latter course, and Bartholomew Heath engaged to pay the fine.

Administration upon the estate of Robert Tuck was granted to the widow Johannah Tuck and Jno. Samborn, her son-in-law, who were ordered to bring in an inventory to the next Salisbury court.

Will of John Eyer, the elder, of Haverhill, dated Mar. 12, 1656-7, and attested by Henery Palmer, 6 : 8 : 1657, in Hampton court, before Tho. Bradbury, recorder. He bequeathed to "my son John Eyers my dwelling house & house lott but my wife to have my house & orchard & The pasture of English grass by y<sup>e</sup> barne and the lento at the south end of the barne and to have liberty in y<sup>e</sup> same New barne, to lay in such hay or Corne as shee shall haue occation to make use of, dureing y<sup>e</sup> time of her naturall life, & at her death to return to my son John Eyers & dureing y<sup>e</sup> time of my wives life, my son is to haue y<sup>e</sup> use of my house lott & barne and to pay my wife Ten shillings an acre for every acre of broken up land in this my house lott. & after y<sup>e</sup> end of my wife's life and when this falls into my son Johns hand then he shall pay as followeth, five pounds the first yeare after my wives Death to my son Nathaniel y<sup>e</sup> 2<sup>d</sup> yeare five pound to my Daughter Hanah, y<sup>e</sup> 3<sup>d</sup> yeare foure pound to my Daughter Rebeka, y<sup>e</sup> 4<sup>th</sup> yeare 4li. to my Daughter Mary, if either my Daughters Rebecka or Mary Dy before this pay be due unto them, then it shall Remain unto their Children but if Nathaniel or Hanah Dy before it be due & leve no Children, then his or hers to be payd unto my son obadia as is above specified to be payd unto them.

"I give unto my son Nathaniel, the house & house lott which I bought of my son John Eyers, & 2 Cous comons with all y<sup>e</sup> priuiledges belonging unto two Cow Commons, & to haue this when his apprenticeship is out with his Master french & in y<sup>e</sup> mean time my wife to have y<sup>e</sup> disposing and benefitt of it & if Nathaniel Dyes before y<sup>e</sup> sayd time, y<sup>e</sup> s<sup>d</sup> gift to Nathaniel, to remain to my Daughter Hanah I doe likewise giue to my son Nathaniel my medow in Hawkes medow, & my North medow but not to haue it till after the Death of my wife, but shee to have the use & benefitt of it Dureing her natural life I doe likewise enjoyne these my two sons John & Nathaniel not to sell these houses or house lotts or any part of it to any except they first profer it to all their other brothers and they to haue the refusing of it, at another mans price which if either of them shall doe Then this my gift shall be void in law and his house and land which he or they shall so sell, shall be forfeited to my other sons

"I giue my land in the lower and upper Plaines to be equally Deuided between my sons Robert, Thomas, & obadiah Eyers & for as much of it as is broken up to pay yearly to my wife Ten shillings for every acre in such corne as shall grow on y<sup>e</sup> sayd land,



at such price as y<sup>e</sup> country Rate shall be payd at, & if they shall not improve it for corne Then to pay in such pay as shall be equi-olent to corne at Country price, likewise my sons John, Nathaniel, Robert, Thomas and obadiah, shall maintayn all fences about this Land and to pay all Rates which shall be due upon the same after y<sup>e</sup> yeare one Thousand six fifty seven but this 57 my wife to haue y<sup>e</sup> use and benefitt of all my Land & medow & after to be my sons as is before specified. & further enjoyne those my sons not to sell any p<sup>t</sup> or percell of this Land without the consent of y<sup>e</sup> other two brothers which if any doe then this my gift to be voyd in Law, and y<sup>e</sup> Land so sould to be forfeited unto my other sons Prouided y<sup>t</sup> my other sons will take it at an other mans price, & if either of my sons shal refuse to take my Land upon these terms which are here set down, then y<sup>t</sup> which any of them shall so Refuse puided he leave all or also none of his sd Land by me thus giuen, shall be my wiues to dispose of as shee please

"I likewise giue unto my son obadiah two ox comons in y<sup>e</sup> Comon ox pasture, & two Cow Comons with all their Priuillidges belonging to four Comons, & halfe my two Diuisions of upland & medow & a young Calfe of this yeare when it shal be weanable, it shal be which my wife please, & y<sup>t</sup> young Sow whose ear hangs down & all my flaggy medow I giue to my son Peter y<sup>e</sup> other halfe of my second Division of medow & upland & two ox Comons with all priuillidges belonging to two ox-Comons, & three acres of Land in y<sup>e</sup> uper plaine which he hath already in his possession I giue my third Diuision of land which is granted by the Town to be layd out I giue to my son John Eyer & Peter eyer to be equally deuided between them. I giue to my wife my best cow, & to my Daughter Hanah my second best cow, & my other Cow & three yeare old heifer, to my Daughters Rebecka, & Mary And all my other goods & Cattle & swine & household stuff undisposed of I giue it to my wife Hanah Eyers whom I make my sole executrix & whom I appoynt to discharge all my debts and to take care for my Buriall." Copied from Norfolk county records by Steph. Sewall,\* Cler.

Inventory of the estate of Jno. Eyers, sr., of Haverhill, lately deceased, appraised, 10 : 2 : 1657, by Mr. Robert Clements, James Davis, sr., and Henry Palmer : 4 Oxen, 25li.; 4 cowes, 2 steers & a calf, 20li.; 20 swine & 4 piggs, 18li.; one plough, 2 payer of plough irons, one harrow, one yoke & cheine & a cart rope, 4li.; 2 howes, 2 axes, 2 shouels, 1 spade, 1li.; 2 wedges, 2 beetle rings, 2 sailes & a reaphook, tonges & pothooks, hangers in y<sup>e</sup> chimny, 13s.; 2 potts, 3 kettles, one skillet, a frying pan, a warming pan, 3li. 3s.; In peuter, 1li.; 3 flock beds & bed clothes belonging to them & bedsteds, 18li.; 12 yards of cotten cloth & cotten wooll & hemp & flax, 4li.; wooden stuff belonging to ye house, 1li. 16s. 6d.; 2 wheels, 3 chests & a cubbard, 1li. 3s.; 2 muskets & all yt. belongs

\*Autograph.

Nath. Boulter demanded the bond given by the town of Hampton in the case of appeal from Salisbury court assigned to him.

Robert Swan and Barthollemew Heath, both of Haverhill, were bound on condition that said Swan should keep the peace toward Steven Kent of Haverhill.

Widow Tuck was granted license to keep the ordinary for the town of Hampton and to sell wine and strong waters for the year ensuing, as before.

Court ordered that the widow Peasly should have liberty to make a division of the house and land between her and Tho. Barnett, in behalf of his wife, according to the will of Joseph Peasly, and said Barnett to take his choice, or else the said Barnett to make the division of the land and the widow Peasly to take her choice. If they could not agree, then Willi. Osgood, Richard Currier and Sam. Foot were to make the division.

In the complaint against Jno. Wedgwood, the jury found him guilty of a rescue, but they also found a disorder in both parties.

Nathanell Boulter acknowledged a debt of six pounds to Humphrey Falkner, according to his indenture made with Henry Roby, and assigned to said Boulter. Owned in court before Tho. Bradbury, rec.

Mr. Christopher Hussey was bound to pay to Jno. Mason, his apprentice four pounds at the end of his term of apprenticeship. Owned in court before Tho. Bradbury, rec.

Salisbury was ordered to pay 40s. for not prosecuting an appeal in the case of Robert Ring.

The constable of Haverhill was ordered to pay 40s. according to law for not delivering the county rate and accounting with the treasurer in the year 1663.

Robert Swan was ordered to pay 40s. for not prosecuting his appeal from the commissioners of Haverhill in the action with Kent.

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to them, 2li. 10s.; bootes, 15s.; fresh meat, 15s.; about 40 bushels of corne, 7li.; his waring apparell, 8li.; about 6 or 7 acres of grayne in & upon ye ground, 9li.; the dwelling house & barne & land broken & unbroken w<sup>th</sup> all appurtenances belonging to it, 120li.; forks, rakes & other smal implemts, about ye house & barne, 1li.; debts owing to him, 1li.; between 2 or 3 bushels of salt, 10s. Allowed at Hampton court, Oct. 6, 1657, upon oath of Hanah Eyers, executrix. Copy made by Tho. Bradbury,\* recorder.

\*Autograph.

Joseph Dow, having been found guilty of a rescue, was fined, and for breach of the peace in striking Phillip Brown was fined. Brown was also fined for striking Dow.

Jno. Wedgwood and Robert Smith were admonished.

Court ordered a rate of 30li. to be made to defray county charges. Servants of the house were allowed six shillings.

COURT HELD AT IPSWICH, NOV. 10, 1664.

John Anaball dying intestate, the honored magistrates, Mr. Samuell Symonds and Maj. Genll. Denison, granted administration to Anna, the widow, and she was ordered to bring in an inventory to the next Ipswich court.

COURT HELD AT IPSWICH, NOV. 19, 1664.

Jonathan Singletary acknowledged judgment to Mr. Phillip Nellson, executor to Mr. Joseph Jewett, before Mr. Samuell Symonds and Maj. Genll. Denison. He was to abide in the same capacity till the next second day at twelve of the clock with the keeper.

COURT HELD AT SALEM, 29 : 9 : 1664.

Judges : The Worshipfull Mr. Simond Bradstreet, Mr. Samuell Symonds and Major Wm. Hathorne.

Grand jury : Henry Skerry, Joshua Ray, Tho. Rootes, Fran. Lawes, Hen. Herrick, sr., John Dodge, Tho. Rix, Ambross Gale, Richard Johnson, William Mirriam, Allen Bread, jr., Jeremiah Watts, William Allen and Henry Waker.

Jury of trials : Nathanyell Putnam, Samuell Gardner, Antho. Ashby, John Rayment, Roger Hasekall, John Peach, jr., Robert Rand, Fran. Burrell, Wm. Bassett, John Newell, sr., John Fisk, and John Kettle. Chosen for Capt. Price and partners v. Jon. Pickering, Tho. Fisk and Marke Bachelдор.

John Pickering v. Capt. Walter Price and Mr. Hen. Bartholomew, Jon. and Samll. Gardner, proprietors of the new mill. Trespass. For coming upon his land, digging and carrying away much earth and landing the dam upon his land. Verdict for defendant.\*

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\*Writ : John Pickering v. Capt. Walter Price, Mr. Henry Bartholomew, Mr. John and Samuell Gardner, partners in the building of a mill on the South river in Salem; dated 11 : 9 : 1664;

signed by Hillyard Veren,\* for the court, and served by Samuell Archard,\* marshal of Salem.

At a meeting of the selectmen, 18 : 9 : 1664, it was ordered that there should be a highway laid out near Bartholmew Gidneyes new mill over the south river "and is laide out this Day from the place aforesd ten foote's aboue high water marke into the bancke untill we com neare the mill to a stake and soe ag<sup>nst</sup> the mill as it is bounded by 4 stakes in a Rainge or right line." Copy from the town book by Henry Bartholmew,\* recorder.

Petition of John Pickringe,\* dated June 29, 1664, to the Worshipfull Symond Bradstreet, Esq., and the rest of the court at Salem : That whereas there was to be erected a mill upon a river which flowed upon petitioner's land, and the land upon which it was to be built was the land of the petitioner's, the owners not having asked his permission, and whereas if they did set it in another place not far distant, they could have his consent, he requested the court to settle the matter in the beginning before the foundations be laid in order to prevent further trouble.

At a general town meeting, 22 : 6 : 1663, it was ordered that liberty be granted for building a mill over the south river near Mr. Ruck's. Also on 9 : 9 : 1663, it was voted that Walter Price, Henry Bartholmew, John Gardner and Samuell Gardner be given liberty to build a mill over the south river near Mr. Ruck's, provided it be built in two years or lose their privilege . Copy from the town book by Henry Bartholmew,\* recorder. Deed, dated 9 : 11 : 1651, Tho. Ruck of Bostone, draper, sold to John Ruck of Boston, for 40li., one dwelling house in Salem, with a parcel of land about said house containing nine acres, with the wharf, barns, stables, cowhouses, tenements, fences, etc., bounded by the sea on the east, land of Mr. Emorye on the north, the common on the west and by John Pickering and the river on the south. Wit : Tho. Hingsells and Samuell Ruck. Acknowledged, 17 : 7 : 1652, before Richd. Bellingham. Copy made by Hillyard Veren,\* clericus.

Deed, dated 3 : 8 : 1660, John Ruck of Salem and Hanna, his wife, sold to Mathew Woodwell of Salem, seaman, for 19li., two acres of upland in Salem near the now dwelling house of said John Ruck and having the cove that lay behind his house on the north of it, and bounded on the east by the river that ran to Castle Hill and on the south and west by land of John Ruck. Said Ruck promised to lay out a highway, fourteen feet wide, extending from the common that lay before Goodman Lawes' house down to the land of said Woodwell, within two years after said Woodwell had lived upon the land, and that in the meantime, he was given liberty to bring any cart or cattle through the open bars and so through the land of said Ruck and about the place where the highway should be, not leaving any of his cattle to feed in the said land.

\*Autograph.

Wit : Edward Norice and George Keser. Acknowledged, 3 : 8 : 1660, before William Hathorne. This deed was recorded in the records at Salem for the county, book 2, p. 65, by Hillyard Veren, recorder. Copy made by Hillyard Veren,\* clericus.

Answer of the proprietors of the mill, dated Nov. 30, 1664, to John Pickrin's pleas to the court : First, they deny that the land in question was ever the plaintiff's or any others before him and that therefore the several deeds of sale from Mr. Thomas Ruck and others do not give title to the land. Second, they deny that the plaintiff can legally claim possession according to a law on page 65, titled possession. Third, the plaintiff claimed by the testimony of Capt. Trask and Mr. Connant to prove a title to Mr. Scelton, which cannot appear, because Capt. Trask affirmed that all the lots from John Swet's and upward bounded upon the river and concluded that the land in controversy must also, but the contrary appeared by testimony of Major Hathorn and others. Fourth, that even if the land in controversy once was Mr. Scelton's yet it did not follow that it was now the plaintiff's, because Mr. Thomas Ruck, the furthest title the plaintiff pleads to, had no other title than from Capt. Davenport, which came short of the land in controversy, as per testimony of Capt. Davenport and Major Hathorn; also by the plaintiff's guarantees, several fences made upon their land, all of which came short, and if their bounds had been to the river, as was alleged, they would never have run their fence along upon the top of the bank, it being of a great length, instead of which three or four poles of fence at each end to the river would have secured their land. Fifth, that the plaintiff "takes Vpon him to Answer o<sup>r</sup> pleadinge to An Agreement, he might have saved that Labour Vntell we had Soe pleaded, thus Lookeing Vpon Inocencie to be o<sup>r</sup> best plea In which we Crave the protection of this Hon<sup>d</sup> Court."

John Pickering's pleas : That the land was plaintiff's by deeds recorded, and when men's lands are bounded upon a river, no common highway can lie between those lands and the river, moreover the law gives the bounds to low water mark to the proprietor of the land adjoining to any creek, cove or those places where it ebbs not above a hundred rods. (See Law book, page 20, titles, conveyances, deeds and writings, and page 50, liberties common.) That this land had been possessed by the plaintiff and his grantors before Oct. 19, 1652 and enjoyed by them until June or July, 1664, and the law says that when lands are so possessed and not claimed and the claim entered, the proprietors shall enjoy the same: it was possessed by plaintiff from May, 1664, by Mathew Woodwell from Oct., 1660, by Mr. John Ruck from Feb., 1651 and by Mr. Thomas Ruck time out of mind, at least twenty or thirty years, it having been laid out to Mr. Skelton about thirty-four years ago, the latter being the first possessor, per testimony of Capt. Wm.

\*Autograph.

Trask and Mr. Roger Conant. (See Law book, page 65, titled possession, and page 81, title witness.) That the evidence says that the lots from John Sweet's upward and downward, the land in question, is one of the next lots upward, but it is indeed the very next lot. That if it can be proved that the land is defendant's by any agreement made with the plaintiff, he answers that no alienation of land is good in law except under hand and seal, delivered, acknowledged and recorded or possession given by turf and twig, and if any such thing be produced by defendant, the plaintiff must be silent. (See Law book, page 20, conveyances, deeds and writings.) That trespass upon the land is proved by testimony of John Horn, Bartholmew Gidny and John Reeves.

Deed, dated May 27, 1664, Mathew Woodwell\* of Salem, brick-maker, sold to John Pickering of Salem, about half an acre of land in Salem, which was part of that ground that said Woodwell's house now stands upon, and next to the South river side, partly within the fence and partly without, bounded on the north by a strip of land of Mr. John Rucke's that runs between it and a cove, and on the east and south by the South river and on the west by land of grantor. Wit : John Prince† and Bartlemew Gedney.‡ Recorded in the records of Salem, June 6, 1664 by Hillyard Veren,‡ recorder.

Bill of costs of Capt. Price and company, 1li. 16s. 6d. in first action, and 2li. 1s. 10d. in the second.

Richard Davenport, aged fifty-eight years, deposed that, having lived many years in the town of Salem, from 1631 until 1643, it was the custom of the town to reserve, in the lots that bordered on the harbor or rivers, either North or South, two poles' length at the least between the ends of such lots and the bank of the high water mark. Deponent further said, concerning that land that was given to Mr. Samuell Skelton, sometime pastor of the church here, lying between the Governor's field and Jon. Sweet's, was by Sam. Skelton, jr., son and heir to the said Mr. Skelton, sold to deponent, and it contained about four acres. Deponent sold this land to Mr. Thomas Rucke of Salem, and it was accounted to be laid out as all other lots were, that is, two poles from the top of the bank inward for a common highway. Deponent also said that it was a very usual thing to make use of a highway along the South river side, and to that end there were stepping stones laid over a small creek which lay between the house of Jon. Sweet and that side of the land that was Mr. Skelton's. Sworn in court.

Wm. Hathorne‡ deposed that it had been commonly said for nearly thirty years that there was a way of two rods broad upon the edge of the bank up the South river against Mr. Skelton's lot, and that for many years there was constant use of a way below the bank to the stepping stones, which was some rods above the dam. Sworn in court.

\* Autograph and seal.

† Autograph.

John Pickering and Jonathan Pickering v. Capt. Walter Price, Mr. Henry Bartholmew and John and Samll. Gardner, proprietors of the new mill. For damming up the channel or river below their land and hindering their coming by water to said land or improving it for a building place for vessels. Verdict for defendant.\*

Walter and John Feirefeild, heirs apparent to the inheritance that was their father's v. Richard Coy. For withholding possession of a dwelling house and lands, which was their father's. Verdict for defendant.†

Jefferie Massey, aged seventy-three years, deposed that for about thirty-four years, that "I haue bene in Salem there was a way betweene the lande that M<sup>r</sup> John Ruck now liueth on and the river before his house and went to the Coue caled Sweets Coue and the way into the South feild was ouer the sd Coue and went alonge vnder the banck vntill we com to a place comonly known by the stepping stones where we went ouer the Riuer and furth<sup>r</sup> that since I haue bene employed in layinge out lande for the towne which is now as I take it about 30 years we were alwayes carefull to reserue lande free for hie wayes." Sworn in court.

William Trask, sr., aged seventy-seven years, deposed that he was one of the lot layers about thirty-four years before, and was at the laying out of several of the lots in question, and there was no highway allowed at the water's edge, for the town at that time did not conceive that there was any need of a way by the water's side. The lots ran down to the river. Sworn, Nov. 29, 1664, before Simon Bradstreete.‡

William Allin, aged about sixty-two years, deposed that being an inhabitant in the town of Salem for the space of about thirty-eight years, etc. Sworn in court.

Roger Conant‡ deposed that, being one of the first inhabitants of the town of Salem, and one of the lot layers, there was never a highway laid out there, etc. Sworn in court.

\*Writ, dated 11 : 9 : 1664, signed by Hillyard Veren,‡ for the court, and served by Samuell Archard,‡ marshal of Salem.

†Writ, dated Nov. 18, 1664, signed by Tho. Fiske,‡ for the court, and served by Samuell Archard,‡ marshal of Salem.

Richd. Coy's bill of costs, 19s. 6d.

Copy of record of Salem court of 29 : 9 : 1660, in division of Fayerfield estate, made by Hillyard Veren,‡ cleric.

Lease, dated 24 : 3 : 1658, given by Peter Palfrey§ of Reding to Richard Coy§ of Ipswich, of the dwelling house and farm, late of John Fairfield's, and last in possession of Wm. Geare, partly in Wenham and partly in Ipswich, for eight years until July 21, 1666, which will be when Benjamin Fairfield, with the rest, shall

‡Autograph.

§Autograph and seal.

Peeter Duncan v. Mordecaie Creford. Debt. Verdict for plaintiff.\*

by their father's will possess it, said Coy paying 50s. for the first year and 5li. per year afterward, half in wheat and half in Indian corn. The grain was to be delivered within one quarter of a mile of the Salem meeting house, and whatever building or fencing was added by Coy, he was to be allowed for it. Wit : Tho. Fiske† and Antipas Newman.†

Richard Hutton, aged about forty years, deposed that he was present when a bargain was made between Richard Coye and Walter Fairfield for one third of the farm, and it was agreed that for his third part which he hired of said Coye, only some small matter which said Coye reserved, the said Fairfield agreed to pay ten pounds upon the account of rent then due, etc. Sworn in court.

Copy of will of John Faierfeild taken from Salem court files by Hillyard Veren,† clericus.

Thomas Fiske, aged about thirty-four years, deposed that being in company with Walter Fairefield and Richard Coye, etc. Sworn in court.

Plaintiff's declaration : John Fayerfield, their father, about the year 1646, died seized of certain estate, the housing and land being left to them by will, their mother to have only a certain right to the use and occupation of the housing, but not to dispose of it or to have the profits of it for any set term of years. As his wife was "the most trusty friend that he Left in the world," she was given the care of the estate, but the plaintiff's "fathers fatherly Care of his fatherles Children was such that if his wife ware about || to || dispose of her selfe in marriag that then before it should be solemnised our father did require his wife" to give security, etc. If Paulfry had a seeming right to the inheritance while their mother lived, it could not continue after she died, and he had broken the will to the plaintiff's great damage, so that Paulfry had no right to lease the estate to the defendant. When the will was made the life of his wife and also of Benjamin was uncertain. The plaintiffs assert that they are now of age and the property should be divided according to the intent of the will.

\*Writ : Mr. Peter Duncan v. Mordecaey Craford; debt; dated 23 : 9 : 1664; signed by Hillyard Veren,† for the court; and served by the constable of Salem. Georg Roppes,† constable, and John (his mark) West. Wit : Elias Mason and Gilles (his mark) Aley.

Bond dated Mar. 18, 1662-3, Mordica (his mark) Creford of Salem to Peter Duncan of Gloucester, for 44li., to be paid in fish at Boston or Gloucester. Wit : Antho. (his mark) Daye and Alexr. Wille.†

Mr. Duncan's bill of cost, 1li. 16s. 6d.

†Autograph.



Richd. Ober v. Samll. Walton. For withholding his chest and wearing clothes. Verdict for plaintiff.\*

Samuell Walton v. Richard Ober. Non-performance of a fishing voyage.†

\*Writ, dated 11 : 9 : 1664, signed by Hillyard Veren,‡ for the court, and served by Nickles Merrett,‡ constable of Marbellhead. Nathanell Walton gave bond.

Declaration of Richard Ober : That "for want of my Clous I ware not Able for to goe to seay by which meanes the Boat was foured to Lay Ashore to thare great damag whieles Another boat in the maine tyme went to seaye and Cast twenty Cantells or thare About of fish whare of the quarter part is my damage."

John Meager testified.

Willm. Bartoll deposed that being master of a voyage and seeing the boats as they came in, etc. Nicholas Meritt also deposed. Sworn in court.

Robert Bradford, aged thirty-two years, deposed that Lot Conant asked him to tell Richard Ober, if he saw him, to make haste away, and deponent met him at Boston and asked him why he did not make haste for Samll. Walton depended upon him according to promise. If Walton had shipped another man deponent was sure he would have heard of it, because they were neighbors, always going between each other's houses. Sworn in court.

Thomas Harve and John Meager deposed that Samll. Walton acknowledged before them that he was to send a note to Richard Ober as to whether he would take him or not, but did not send it. Sworn in court.

Richard Ober's bill of costs, 2li. 3s. 6d.

Richard Thistle, aged about twenty-two years, deposed that Richard Ober, being at Marblehead before he sent his chest and clothes by Thomas Dod, did ship himself with Samuell Walton for this voyage, and was to give the same for the boat hire as deponent gave. Ober was to give for stage room as Samuell Walton gave and was to send his clothes over to Marblehead the next second day, etc. Sworn, 24 : 9 : 1664, before Wm. Hathorne.‡

John Meager, aged twenty-six years, deposed that he, being at Marvellhead with Thomas Harve in his boat which came on purpose for the clothes of Richard Ober, went with Thomas Harve to the house of Samll. Walton and demanded the clothes. Walton refused to give them up, declaring that Walton had agreed to go to sea with him, and he did not intend to give them up unless the law required him to do so. Sworn in court.

Thomas Harve deposed that John Meager and Robert Skamp came, etc. Sworn in court.

†Writ, dated 18 : 9 : 1664, signed by Hillyard Veren,‡ for

‡Autograph.

Mordecaie Creford v. Mr. Will. Browne, Samll. Archer and Edward Woollen. For coming aboard his bark and carrying her away. Verdict for plaintiff. Appealed to the next Court of Assistants. Said Browne and Peter Duncan bound. John and Samuell Gardner, in behalf of Mr. Browne, withdrew this appeal.\*

Mordecaie Creford v. Mr. Will. Browne and Samll. Archard. For seven or eight qu. of fish taken away and disposed of illegally and no account given. Verdict for defendant.†

the court, and served by Nickles Merrett,‡ constable of Marbel-head.

\*Writ: Mordecaie Creford v. Mr. William Browne, sr., Samuel Archard, sr., and Edward Woollen; for coming aboard his bark where she was moored, taking her away with several goods and writings and turning said Mordecaie and his company ashore; dated 23 : 9 : 1664, signed by Hillyard Veren,‡ for the court, and served by Nath. Pickman,‡ constable of Salem, who arrested Mr. Browne and Samuell Archard, and attached the house of Edward Woollen.

†Writ: Mordecaie Creford v. Mr. William Brown, sr., and Samuell Archard, sr.; for fish which he had in his bark, shipped aboard for the use of Capt. Thomas Savage, taken away and disposed of by them illegally and no account given; dated 23 : 9 : 1664; signed by Hillyard Veren,‡ for the court, and served by Nath. Pickman,‡ constable of Salem, who arrested the defendants.

William Browne's receipt to Mordecay Creford, for 72li. 11s. 1 1-2d., dated 27 : 3 : 1662, and received by Capt. Thomas Savag. Copy made by Hillyard Veren,‡ cleric.

"And pleas your honred Cort to tak it in to Considrasion what dameg it is to tak a way a man Ritings had I had my Ritings Captan Savges would not a proseqeted me be sids bills thar was of a grat sum which is to my grat Los."

Mordica Creford's bill of charges, 2li. 1s.

Thomas Savage, aged about fifty-seven years, deposed that being at Salem about the beginning of the year 1662, Mordica Cravet informed deponent that Mr. William Brown had attached his fish and carried away his bark and fish to the said Brown's warehouse. He further told deponent that he was not in Mr. Brown's debt any considerable amount, and deponent told him that he did not believe Mr. Brown would wrong him. At Cravet's request, deponent went over the accounts with Mr. Browne, the balance was found and both seemed satisfied, etc. Sworn in Boston, 26 : 9 : 1664, before Edward Tyng,‡ commissioner.

John Taply, aged about twenty-six years, deposed that for want

‡ Autograph.

John Hoare, attorney to Danyell Hoare, sometime partner with Leift. Cook v. Leift. Richd. Cook. For a true account of what he had received and when and how he improved the estate in partnership. Withdrawn.\*

John Hoare, attorney to Dayell Hoare v. Leift. Richd. Cook. For dividing certain houses and lands and other estate in partnership. Withdrawn.†

of supplies from Mordika Craford "with his bark, grapells and Rods that he was to bring to us at damras Cove we war forsed to ly still when other botes went out and Lodid with fish which was to his grat dameg." Sworn in court.

Samuell Archard, marshal, deposed that he served two attachments, one on Mr. Browne and one on Mr. Batter, and attached 108 1-2 quintals of fish, which deponent weighed and laid it in Mr. Browne's warehouse chamber. Brown and Batter had 106 quintals, of which 11 quintals were appraised to Mr. Batter at 25 ryalls a quintal in the year 1662. Sworn in court.

John Green, aged about nineteen years, testified that when the marshal attached his master Mordek Craford's bark, he sent deponent "abord for his Ritens and thay would not let me have them and I put them Ritens in to a Stoken in his Chest and i did not to my Remembrenc never se them sence." Sworn in court.

Robart Larencs, aged about twenty-eight years, deposed. Sworn in court.

Richard Honyewell, aged about fifty years, and John Taplye, aged about twenty-five years, deposed that at Damros Cove in May, 1662, Mordyechye Cravett received between seven and eight score quintals of fish which was the product of the voyage and shipped aboard the bark for the use of Captayn Thomas Saeveig. They further deposed that keeping the bark in Salem harbor prevented the company at Damros Cove from getting supplies, etc.

\*Writ : John Hoare of Concord sometime partner with Richard Cooke v. Leift. Richard Cooke of Boston; for a true account of what he received and when, how improved the estate in partnership since they last made up their accounts in 1653, as appeared under both their hands, and for full proof of the account given under the hand of said Richard on 3 : 10 : 1663, that it may appear what is due Daniel Hoare and Richard Cook, etc.; dated Nov. 24, 1664; signed by Samuel Green,‡ for the court; and served by Rich. Wayte,‡ marshal of Suffolk, by attachment of the dwelling house, stable and land of defendant in Boston.

†Writ, dated Nov. 24, 1664, signed by Samuel Green,‡ for the court, and served by Rich. Wayte,‡ marshal of Suffolk, by attachment of the dwelling house, stable and land of defendant in Boston.

‡Autograph.

John Hoare, attorney to Daniell Hoare v. Leift. Richd. Cooke. For not performing articles of agreement, etc. Withdrawn.\*

John Hoare, attorney to Danyell Hoare v. Leift. Richd. Cook. For withholding a debt due by bond. Withdrawn.

Francis Wainwright, assignee of Gilbert Mudg v. Joseph Davis. Debt. Defaulted. But by consent of the parties, it was referred to the bench, who gave judgment for the defendant.†

\*Writ, dated Nov. 24, 1664, signed by Samuel Green,‡ for the court, and served by Rich. Wayte,‡ marshal of Suffolk.

†Writ, dated 8 : 8 : 1664, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

Francis Wainwright,‡ on Nov. 29, 1664, made Robert Lord, sr., his attorney in this action. Acknowledged before Daniel Denison.‡

Bond, dated June 21, 1661, Joseph Davis‡ of Keterey to Gelbard Muge of Iles of Shooles, fisherman, for 9li. in good tight barrels at price currant. Wit : Willm. Croscom‡ and John Titherly.‡ Acknowledged, Oct. 10, 1664, by John Titherly before Daniel Denison.‡ Gilbert (his mark) Mudge, on Oct. 8, 1664, assigned this bill to Francis Wainwright. Wit : Robert Lord.‡

Samewell Davis, aged about twenty-eight years, deposed that Josefe Davis delivered a parcel of barrels to Richard Smith and John Parker, which barrels Gillbard Muge gave Mistress Michell order to receive of said Davis, said Smith and Parker being servants of Mistress Mitchel. Sworn, Nov. 28, 1664, before Simon Bradstreete.‡

Receipt, dated Aug. 17, 1661, given to Joseph Davis by John (his mark) Parker and Richard (his mark) Smith, for the barrels. Acknowledged before Daniel Denison.‡

Richard Smith, aged about thirty years, deposed that Gilbert Muge appointed Mrs. Sarah Mechell to receive a parcel of casks of Joseph Davis, and she received six tun of tight barrels, deponent living with her at that time as a servant. Further, he and one John Parker brought the casks from said Davis' shop and gave receipt in their mistress' name, and deponent also brewed the beer that was put into the casks in the year 1661. Sworn, Nov. 29, 1664, before Daniel Denison.‡

Thomas Davis deposed that he heard John Cookit say that Gelbard Muge, etc. Said Cookit was about twenty-three years of age. Sworn, Nov. 28, 1664, before Simon Bradstreete.‡

Jeramiah Balcher, sr., and Robert Lord, marshal, deposed that they heard Geilbert Mudge own that he had two bills of Joseph Davis, one 8li. and the other 9li.. both for one debt, and that he had received two tun of casks upon the bill of 9li. when the 8li. bill was due, etc. Sworn in court.

‡Autograph.

Jon. Todd v. Robt. Swan. Review. Concerning a parcel of land. Nonsuited.\*

Tho. Bloomefeild v. John Todd. Review of an action of six pounds tried, 29 : 7 : 1663, at Ipswich court. Verdict for plaintiff.†

John Jemson, aged about twenty-four years, deposed that he was an apprentice to Joseph Davis in the year 1661, etc. Sworn, Nov. 28, 1664, before Simon Bradstreete.‡

\*John Todd of Rowley v. Robert Swan; review, concerning a parcel of land lying on Marimake river on the south side in Rowley, the title of which was tried at Ipswich last March; dated, Nov. 24, 1664; signed by Tho. Leaver,‡ for the court; and served by Stephen Kent,‡ constable of Haverell, by attachment of house and land of Rob. Swan, the land being adjoining and mostly broken up, consisting of twenty-two acres.

†Writ, dated Nov. 22, 1664, signed by Anthony Somerby,‡ for the court, and served by Tho. Mighell,‡ deputy constable of Rowly, by attachment of the brew house of defendant.

Thomas Blomfield's plea : First, that he was arrested for a debt to John Tod, but nothing appeared on the latter's books. Second, that according to the books, the debt was charged to Richard Singletary, who should be sued for the amount instead of himself. Third, that even if Anthony Austin said he was engaged to pay it, the evidence of one man ought not to be sufficient to take away a man's estate, which would be contrary to law on the first page. Fourth, that Austin's evidence that the cloth was delivered to him was a mistake, for John Tod laid it upon his horse and he was forced to carry it to Ipswich because Richard Singletary was sick, and disposed of it according to Singletary's appointment. Fifth, that Mr. Tod had two young heifers, which were both with calfe, etc.

Answer : First, that he was arrested for what he was engaged as per testimony of Anthony Austen and Richard Singletary. Second, that the book showed canvas delivered, etc. Third, one evidence is sufficient. Fourth, the cloth was delivered to Bloomfield, who brought it to Ipswich and with it redeemed his son out of prison, and Richard Singletary did not return to Ipswich but went away home. Fifth, both were engaged to pay, and John Tod was suing him for only one-half, Singletary having satisfied for his part. "It is too much Ingratitude for Tho. Bloomfield soe ill to requite the sayd Tod for his loue."

Thomas Blomfield's bill of cost, 3li. 9s. 6d.

Wm. Chandler, aged forty-eight years, deposed that on Sept. 29, 1663, Thom. Blumfeild owned the debt to John Tod and said it should be paid and if the latter would not enter his action, he

‡Autograph.

John Godfery, attorney to John Todd v. William Nicholls. Debt, for divers years. Verdict for defendant.\*

would pay him in the spring. Sworn, Sept. 28, 1664, before Daniel Denison.†

Robert Lord, marshal, deposed that he took upon execution from Thomas Blomfield two heifers which were valued at 7li. 10s., and delivered them to John Tod on account of the canvas. Sworn in court.

Copy of Ipswich court records, Sept. 29, 1663, in foregoing action made by Robert Lord,† cleric.

Writ : Mr. John Tod v. Thomas Bloomfield; non-payment of six pounds due for a parcel of canvas for the use of Jonathan Singletary; dated Sept. 22, 1663; signed by Richard Littlehale, for the court; and served by Robert Lord, marshal of Ipswich. Copy made by Robert Lord,† cleric.

Anthony Austone deposed that Richard Singletary and Thomas Bloomfield came to John Tod's house for some goods to redeem their son Jonathan Singletary out of prison, and Todd delivered to Thomas Bloomfield a hundred odd yards of canvas, which the latter took away, both promising to pay Tod for it. Sworn in Ipswich court, Sept. 29, 1663, before Robert Lord,† cleric. Copy made, Feb. 2, 1663, by Robert Lord,† cleric.

Anthony Austine, aged about twenty-eight years, deposed that he asked Thomas Bloomfield to whose account the canvas was to be charged, and he replied that it did not matter, and deponent, having Singletary's account ready at hand, charged it to him. Sworn, Nov. 29, 1664, before Daniel Denison.†

John Severanc deposed.

Richard Singletary, aged about seventy-two years, deposed that they took 12li. worth of canvas and both engaged to pay John Tod. Sworn, Nov. 26, 1664, before Daniel Denison.†

Robert Lord, jr., deposed that he was at Mr. Willson's when Richard Singletary and Thomas Bloomfield were there to see about redeeming Jonathan out of prison. Deponent had part of the goods for fees and the rest was delivered to John Godfrey and the keeper of the prison, etc. Sworn in court.

John Godfre and Jonathan Singlarty deposed that John Tod told them that Richard Singletary and Goodman Blomfield were "able men both & I look only to goodman Singletary," etc. Sworn in court.

\*Writ, dated Nov. 19, 1664, signed by Robert Lord,† and served by Robert Lord,† marshal of Ipswich, by attachment of two yearlings of defendant.

Robert Lord, marshal, testified that Wiliam Nickols owned that he owed John Todd 44s., and John Godfre testified to the same. Sworn in court.

†Autograph.

John Godfery v. John Kenrick. Debt due by the forfeiture of a bond. Verdict for plaintiff. The bench moderated the forfeiture of the bond, which was to be paid in wheat at 4s. 6d. per bushel.\*

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Letter of attorney, dated Oct. 8, 1664, given by John Todd† of Rowley, merchant, to John Godfrey. Wit : Anthony Austine† and John Cheney, sr.† Acknowledged by John Cheney, sr., 30 : 9 : 1664, in court.

“Goodman Nicholls after thr p<sup>r</sup>sentment of my loue vnto you, these are to desire you to pay m<sup>r</sup> Corwin, forty fower shillings upon the acco<sup>t</sup> of m<sup>r</sup> Deane of Andever pray faile not : yo<sup>r</sup> Loveing frend

“John Tod.”†

“you may pay it in corne or porke I pray faile not for it will ocaision sute, & that wil be to yo<sup>r</sup> || damage yf you || doe not pforme.”

The foregoing was a copy of a note presented to the court at Salem, 1 : 10 : 1664, but being so much broken, was not thought fit to be left in the court records. Copy made by Hillyard Veren,† cleric.

Thomas Wilkins, Hanna Nichols, Margerett Wilkins and John Wilkins deposed that they heard John Godfry say that Goodman Nichols carried in the pay like an honest man to Capt. Curwin and that he would not have him pay Goodman Tod anything for he would free him from the debt both to Goodman Tod and the debt from himself.

Wm. Nicholls' bill of cost, 1li. 10s. 6d.

Anthony Austine, aged twenty-eight years, deposed that the following was the account between Goodman Tod and William Nickolls of Salem : William Nickols' account, 12 : 12 : 1660, to exchange of a horse, 15s., and to a rug, 9s., total, 2li. 4s. Sworn, Nov. 29, 1664, before Daniel Denison.†

John Kitchin deposed at Salem, 1 : 10 : 1664, that about two years ago, William Nicoles brought a quantity of pork to Salem which he said was to pay Captain Corwin for John Godfry, but Capt. Corwin would nor receive it. Therefore said Nicoles desired deponent to go with him to said Godfry to see if he would receive it himself, and finding him at Mr. Gedne's, Godfry also refused it. Sworn in court.

\*Writ, dated Nov. 21, 1664, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

Daniel Denison's† receipt, dated May 16, 1664, to John Kenricke upon account of John Godfery for several parcels of cooper's tools to the value of twenty-five shillings.

Bond of John (his mark) Godfry of Andover, dated June 21, 1662, whereas John Kindrick of Ipswich delivered to him 12li. 10s. in

†Autograph.

Capt. Walter Price, Mr. Henry Bartholmew and John and Samuell Gardner, partners in the new mill in Salem v. John Pickering. For damage done to them. Verdict for plaintiff.\*

English goods and cask to satisfy several executions obtained by Job Tyler before Mr. Samuell Symonds, also at Salem court and before the Major Genll., said Godfry bound himself to make so much received upon the backside of a bond he had in his hand of his for the payment of wheat, etc. Wit : Robert Lord, sr.,† and Robert Lord,† marshal.

Anthony Somerby, aged fifty-four years, deposed that about May 27, 16—, Goodman Cheny and John Godfry came to him about a bond that was in John Godfrye's hands of 33li. due from John Kenrick to him which was to be paid in wheat at 4s. 6d. per bushel, said Godfry agreed that if Goodman Cheny would engage for it that said Kenrick should have the said sum another year, deducting 12li. 10s. Deponent added the interest to the bond for another year as John Godfry took of others, but Godfry desired Cheny to give in a writing that he gave him upon the way as they went together, but Cheny said he had left it at home. He said he would bring it to deponent but he did not, and deponent thought he had made the bond aright, but when Godfry came he would not accept it, saying it was but a year's time since the 12li. 10s. were paid and as he supposed it was a year and three-quarters, yet Goodman Cheny still preferred him to engage to pay him what was found to be due him or what Kenrick and he agreed upon. Whereupon John Godfry replied, "Goodman Cheny do you thinke to take advantage upon me by this no saith hee, I doe not, but I will giue you security for it if you will or else you may take your course John." Sworn, Nov. 28, 1664, before Daniel Denison.†

John Godfre had a pair of shoes of Tho. Clarke of Ipswich upon the account of John Kendrike, 5s. 6d., and a paile for Job. Tiler, 2s.

John Godfre's bill of cost, 2li. 16s.

John Cheny, sr., of Newbery, deposed, Nov. 28, 1664, that John Godfre being at Newbery upon a training day, etc. Sworn in court.

Tho. Clarke of Ipswich, deposed, Nov. 30, 1664, that Godfrey rather desired security than the debt whereupon deponent replied, "John renew thy bond till next March & I will secure the debt." Jo. Cheny, sr., of Newbery was mentioned for security, etc. Sworn in court.

\*Writ : Capt. Walter Price, Mr. Henry Bartholmew and Mr. John and Samuell Gardner v. John Pickering; for damage by pulling up the stakes that the millwright had set down for placing the mill and throwing part of their timber into the river and turning

†Autograph.



Thomas Robbins, assignee of James Underwood v. William Pitt.  
Debt. Withdrawn.

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the other part adrift, throwing their wheelbarrows and other working tools into the river by night and also endeavoring after the mill was set down to turn it into the channel by night; dated 23 : 9 : 1664; signed by Hillyard Veren,\* for the court; and served by Samuel Archard,\* marshal of Salem.

John Maston, aged about twenty-three years, testified, Dec. 1, 1664, that the stakes by the new mill were plucked up and the workmen forced to leave off work, and so much of the gravel carried away, by reason of their going to work on the other side. This greatly increased the strength of the tide on that side, and so the foundation of the mill was hindered about four or five days. Sworn in court.

Phylip Cromwell, aged about fifty years, testified, Nov. 30, 1664, that about a fortnight since, being at Mr. Price's house, where John Pickrin was speaking with said Price about turning the wheelbarrows into the river, Pickrin declared that it happened before the agreement was made between said Price and company. Sworn in court.

John Funell, aged about fifty-seven years, deposed, Nov. 29, 1664, that being at the place where the mill was framing, John Pickrin asked him whether there were any difference between the upper and lower place for the mills to stand. Deponent answered yes, that if he were to build it, he would do it forty pounds cheaper in the lower than the upper. Further, that in staking out the platform for the foundation of the mills, it was done to the best advantage, and several of the stakes were driven beneath low water mark, etc. Sworn in court.

John Funnel, aged about fifty-seven years, deposed, Dec. 1, 1664, that when the stakes were pulled up, the workmen were forced to send a man on purpose for him to go speedily to stake out a new foundation for the new mill building on the South river in Salem. And whereas deponent gave them orders to dig channels to lay down the foundation, for want of a rule, they dug in the wrong place to their great damage. Sworn in court.

Thomas Getch, aged about thirty years, deposed, Dec. 1, 1664, that he saw John Pickrin go down to the works and pull up the stakes. Further, that the shovels were cast into the river, and about eleven men were forced to stand still until ten or eleven o'clock, when the shovels and wheelbarrows were found. Four shovels, two spades and two wheelbarrows were utterly lost, etc. Sworn in court.

Richard Maber, aged about eighteen years, testified, Nov. 30, 1664, that when the mill near Mr. Ruck's was beginning, the anchor

\* Autograph.

Capt. George Corwin v. Frances Baites. Debt. John Hathorne jr., took oath in court to the truth of the account. Verdict for plaintiff.\*

John Codner was sworn constable for the town of Marblehead for the ensuing year.

Tho. Hobbs, by Robert Lord, his attorney, acknowledged judgment to Frances Waineright of Ipswich.

William Warner acknowledged judgment to Sergt. Jeremiah Belcher.

Theophilus Bayly had license granted him to draw strong water and retail it within doors and without for the ensuing year.

Joseph Davis, attorney of Symond Tuttle, acknowledged judgment to Mr. Eleazer Hathorne of a bill of debt, dated 16 : 9 : 1663, of 10li. 15s. 6d.

There being an account of one Wm. Baker returned to the town of Lynn by authority from Boston, said Baker being infirm in respect of bodily health, and there being a question as to who should look after him and entertain him, court ordered that Mr. Oliver Purchass take him into his care and provide for him for the time ensuing that he was to serve him, which will be till June, 1666.

Mr. Eleazer Hathorn v. Mr. Symond Tuttle. Withdrawn.

Obadiah Rich acknowledged judgment to Mr. Edmond Batter.

Mr. Moses Maverick, having been chosen by the town of Marblehead clerk of the writs, was confirmed.

Walter Fairefeild was sworn constable for Wenham.

Complaint having been made against Samll. Hucheson and more especially against Hana, his wife, for their disorderly living, said Hana often leaving her husband and her husband not providing necessities for her, the court bound them jointly and severally to good behavior. Upon their promise of reformation they were dismissed upon condition that they live together orderly, and if any further complaint was heard, they should be sent to the house of correction.

that was made fast on the shore to keep the mill frame from falling was heaved out of its place, etc. Sworn in court.

\*Writ, dated 19 : 9 : 1664, signed by Hillyard Veren, † for the court, and served by Isack Estey, † constable of Topsfeild, by attachment of seven pounds in the hands of Danill Clareke.

George Corwin's bill of costs, 1li. 4s. 6d.

†Autograph.

Widow Harwood was given liberty to sell ten acres or five acres of land, as per inventory on file, also some part of her other goods which she could best spare, for her present support, provided it be by advice of the selectmen of Salem or Worshipfull Major Wm. Hathorne.

Elizabeth Spooner, relict of Tho. Spooner, deceased, was appointed administratrix of the estate, and an inventory,\* amounting to 333li. 3s. 8d., was allowed. Whereas there were several grand-children, namely, John, Elizabeth, Hana, Sara and Thomas, children of John Ruck by his wife, the daughter of Thomas Spooner, court ordered, it being consented to by said John Ruck, that the children have 120li. out of the said estate, payable at age, to John, 40li., and to the others 20li. each. The remainder of the estate was to be left in the hands of the widow for her own use. Mr. Edmond Batter and John Ruck were appointed overseers.

Court allowed 6s. for "huencies" to John Massey, late constable of Salem, to be paid by the treasurer. Mr. Wade of Ipswich was to pay said Massey 4s. for his charge in sending three

\*Inventory of the estate of Thomas Spooner, taken 15 : 9 : 1664, by Edmund Batter† and Hillyard Veren:† A dwelling house, with out houses & 13 acres of land adjoining, 150li.; 1 3-4 acres of marsh & about 6 acres of upland lying in the south field, 16li.; 3-4 of an acre of marsh in ye north feild, 6li.; about 37 acres of upland in the north feild, 40li.; 2 oxen, 2 steers & 5 Cowes, 40li.; 1 horse, 1 steere, 1 heifer, 2 calves, 13li.; 1 swine and 4 sheep, 3li.; a Cart & dung pott, with chaines, yoakes, Harrow & plow, 4li.; 2 loomes & sleas, 5li. In the parlor, a beadsteed, beading & furniture, 7li.; 2 tables, 6 Joyn stooles & a Carpitt, 2li.; 7 chaires & cushions & 2 smaless stooles, 2li.; 2 swords, 2 belts & a staff, 1li.; a looking glass & som earthenware, 6s. 8d.; bookes, 2li.; wearing apparrell, 12li.; 7 pr. sheets, 5 pr. pillow beers, 1 doz. napkins, 3 table cloathes, & some other linnen, 5li. In the hall, 2 chests, a settle & 3 boxes, 1li. 10s.; a high bead, truckle bead & ye beading, 8li.; 2 hatts, 20s., 1 saddle & pillion, 20s., 2li.; a linnen wheele & 2li. of yarne, 10s.; 2 old cushions & some other lumber, 5s. In the kitchen, an old table, forme, stooles & chaires, 12s.; axes, augers, hoes & some other tooles, 1li.; pewter, 20s., Iron potts, bras, & haukes, 4li.; some pailles & wooden lumber, 10s. In the chamber, a beadsteed, 10s.; a feather bead, flock bead & beading & chest, 5li.; old cask & some other lumber, 10s.; a cheese press & dary vessells, 10s.; total, 333li. 3s. 8d.

† Autograph.

warrants to the towns, and the treasurer was also to pay him 2s. for a "huency" sent after Capt. Scott and Henry Frost.

Henry Waker of Gloster and William Allen of Manchester were dismissed from common training, paying 3s. per annum for the use of the company.

Mr. Edmond Batter of Salem was freed from common training, paying 6s. 8d. per annum for the use of the company.

John Pickering, constable of Salem, was allowed 8s. for his charge in sending letters sent from the secretary to be conveyed eastward two several times, the country treasurer to pay him.

George Bourrig acknowledged judgment to Capt. Georg Corwin.

Court remitted the entry of an action of Nathanyell Pickman the last court, it having been withdrawn by the consent of the court.

Whereas there was a county rate to be levied by order of the last Ipswich court, this court ordered that the treasurer collect the same together with all fines and court dues, to be disposed of as follows : to make payment to the ordinaries for the discharge of the court's expenses at Salem and Ipswich; to pay all such debts as have been longest due to any person or persons; with the remainder to discharge all other debts justly due.

An inventory\* of the estate of Nicholas Tucker, deceased, having been presented to this court by Andrew Tucker, administrator, and Mathew Price, though somewhat imperfect, yet it was accepted, and the administrator was discharged of his bond, and held in another bond of 20li. for the perfecting of the inventory for the next Salem court.

Court ordered attachments given out for the appearance of persons summoned before the Worshipfull Major Wm. Hathorne upon presentments, and who did not appear.

Fined, 24 : 6 : 1664, by Major Hathorne:—

John Brian, who went into Bartholmew Gidnie's house when the latter and his wife were not at home, was warned by the ser-

\*Inventory of the estate of Nicholas Tucker, taken by Andrew Tucker : † One Rugge, Cost at Mr. Willm. Brown's, 2li.; 1 suet of Cloaths, 2li. 15s.; 1 bagge of Linnen, 1 feather pillow, 2 silke Neckcloath, —; 1 Barrell Green ginger, cost 5li.; 1 Cabin Rugge, 1 Canvas bed sake, —; 1 pr. boots & barrell, 1li.; hier of Boat, sumr. voiage, 4li.; 1 short Cape, —; what is due from Samll. Condey, heir of third of boate, winter voiage, 4li. 13s.; 1 fowlinge

† Autograph.

vants to depart. He tarried all night and was found in the morn-  
ing upon a bed, etc. He was also fined for swearing and drunken-  
ness.\*

William Canon, fined for excessive drinking, and for attempting  
to strike the constable, was ordered to sit by the heels one hour.

Georg Samon and his wife were fined 5li. each for uncleanness  
before marriage.

John West was fined for breach of the peace.†

Osmand Trask was fined for rescuing hogs and cattle as they  
were being driven to pound.‡

peece to Jno. Pedericke, 2li.: 16 pr. stockings, 3 suets sea cloaths.  
4 pr. shoos, 5 pr. drawers, Hooks, lines & leads, —; Rich. Nor-  
man is Indebted, 3s.; Willm. Watters, 3s.; Elias Henly, 3s.; Nich.  
Foxye, 3s.; Jno. Pedericke, 3s.; Thomas Ellis, 3s.; Jno. Harris,  
3s.; Jno. Pederick, the losse, 3s.; Jno. Stacy, 3s.; Elias Henly,  
6s.; due to Elias Stileman, deceased, 1li. 18s. 8d.

\*This happened on 15 : 6 : 1664. Judgment signed by Wm.  
Hathorne.§

†Abraham Whithare, aged about three score years, testified that  
Jno. West of the Creeke came into his house, 24 : 9 : 1663, and  
they disagreeing about said Whithare's son, said West called Whit-  
hare base, thievish rogue and bade him take his son and hang him  
about his neck. Whithare bade him go out of his house, and West,  
having a stick in his hand, took him by the throat, struck him  
across the arm and cheek, and pulling him by the jaw, brought  
blood in two places. Sworn in court.

Mary Whichacre, aged about thirty years, deposed. Sworn,  
27 : 4 : 1664, before Wm. Hathorne.§

‡Will. Hooper of Bass river acquainted the Worshipful Major  
Hathorne in behalf of Ozmand Traske that contrary to the pre-  
sentment of Edmund Grover's cattle, the said Ozmund Traske's  
cattle were impounded at that very time by the said Edmund  
Grover and Henry Herrick, jr. Likewise, Sarah Traske could  
testify that they were lawfully impounded without let or molesta-  
tion, which said Traske desired the Major to consider.

Edmund (his mark) Grover and Henry (his mark) Herek de-  
posed that as said Grover was driving Trask's cattle out of his  
corn into the pound, said Trask came and drove them away by  
force. Sworn at an adjournment of a county court, 14 : 9 : 1664,  
before Hilliard Veren,§ cleric.

Roger (his mark) Haskull, aged about fifty years, deposed.  
Sworn in court held by Major Hathorne, 14 : 9 : 1664, before  
Hilliard Veren,§ cleric.

§Autograph.

John Bartoll, dying intestate, an inventory\* of the estate was brought into court by Parnell, his wife, amounting to 71li. 10s., and

Execution, dated 15 : 8 : 1664, to be levied upon estate of John Codner, namely, on two acres of land at Gatchell's hill or on the neck in Marblehead, or ground to set a house on and a garden spot by the cow house of said Codner, at the choice of William Browne, also one-third of the shallop called the Black Besse and possession of the stage for his own personal use for seven years, to satisfy judgment of Salem court of 28 : 4 : 1664, signed by Hillyard Veren, † cleric., and returned by Isack Williams, † constable. The two acres of land on Gatchell's hill were delivered to William Browne before Mathew Price † and Samuell Archard, † marshal, by John Codner without serving the execution.

Execution, dated Mar. 27, 1664, against Mordecaie Creford to satisfy judgment granted Capt. Tho. Savage at Salem court of 24 : 9 : 1663, signed by Hillyard Veren, † cleric, and served by Samuell Archard, † marshal of Salem, by attachment of four cows appraised at 21li. 6s. 8d.

Execution, dated July 6, 1664, against Jonathan Singletary to satisfy judgment granted John Godfery at Salem court of June 28, 1664, signed by Hillyard Veren, † clericus, and served by Robert Lord, † marshal of Ipswich, deputy of Samuell Archard, † marshal of Salem, by attachment of 36 acres of land appraised at 10s. per acre.

Execution, dated Aug. 29, 1664, against William Prichtet to satisfy judgment granted Mr. Edmond Batter at Salem court of 30 : 4 : 1663, signed by Hillyard Veren, † cleric, and served by Henery Skerry, † marshal of Essex, by attachment of two acres and a half of meadow in Topsfeld, which he delivered by turf and twig to Mr. Batter.

Execution, dated June 29, 1664, against Robert Clements to satisfy judgment granted Capt. Paule White, signed by Hillyard Veren, † clericus, and served by Daniel Ela, † deputy of Samuel Archard, † marshal of Salem.

Execution, dated 12 : 10 : 1664, against Symond Tuttle to satisfy judgment granted Mr. Eleazer Hathorne at Salem court of 29 : 9 : 1664, signed by Hillyard Veren, † cleric, and served by Robert Lord, † marshal, deputy for Samuell Archard, † marshal, who committed him to prison.

Execution, dated June 29, 1664, against John Chater to satisfy judgment granted George Wheeler at Salem court of June 27, 1664, signed by Hillyard Veren, † cleric, and served by John Pike, † deputy for Samuell Archard, † marshal of Salem.

\*Inventory of the estate of John Bartolle, deceased, taken Nov. 16, 1664, by Moses Maverick † and William (his mark) Charles:

† Autograph.

debts owing to several men of 64li. 18s. 5d., which, upon oath of said Parnell, were allowed, and she was appointed administratrix. The clear estate was 6li. 11s. 7d.

Fined for frequent absence from public ordinances on Lord's days: Joseph Boyce, Jon. Burton, sr., Josiah Sothwick and his wife, Samll. Gaskin and his wife, Jon. Smith and his wife, Michael Shaffin, Jon. Smale, sr., John Hill, wife of Robt. Buffum, wife of Robert Wilson, Joseph Buffum and his wife, Jon. Kitchin and his wife, Phillip Veren, Samuel Shattock and his wife, John Blevin and William Mastone, for twelve days' absence; wife of George Gardner for six days' absence; John Burton, jr., was convicted.

Two cows, 8li.; bull, 2li.; yearling, 1li.; three swine, 3li.; 4 acres of land and fences, 12li.; 6 in the farme bought of Major Hathorn, 6li.; 2 acres of medow lying at Capan, 4li.; 1 Cows Common, 2li.; one fourth part of a stage and land lying to it, 5li.; 2 beds mad of silkgras with bolster and blankets, 3li. 10s.; a great Copper, 3li. 10s.; one Iron pott, an Iron Kettle, 2 bras skilletts, one Iron scillott and twoe brass scillots, 3li.; 5 pewter platters and a bason, 1li.; peuter, 16s.; a mortar and a bras skillet, 8s.; 2 dripin pans, 6s.; a handsaw, 1s. 6d.; a bible, 10s.; wearing aparell, 8li. 15s.; Earthen and wooden ware, 1li.; 2 Chests, 12s.; mony, 1li. 4s.; 1 paire of boots, 1li.; bands and hankershirs, 7s.; land bought of Robert barcus near Goit's house, 2li. 10s.; total, 71li. 10s.; estate is debter to severall men, 64li. 18s. 5d. Daniel Bartoll took oath in court before Hillyard Veren,\* cleric. Debtor, as appeared by Mr. Curill's booke, 30li. 18s. 9d.; Mr. Mossis Maverick's booke, 9li. 4s. 8d.; Mr. William Brown's book, 5li. 4s. 6d.; John Codner, 7li. 3s.; severall smale Dts. demaunded by severall men, 12li. 7s. 5d.; total, 64li. 18s. 5d. Demanded by Mr. B , 1li. 6s.; John Clemants, 12s.; Goodman Samson, 9s.; William Raimant, 3li.; Thomas Pittman, 10s.; Goodman Dixe, 10s.; Goodman Palmiter, 18s. 1d.; Mark Pitman, 1li. 5s.; Richard Croker, 1li.; William Littfoot, 2li. 15s.; Mr. Gidnie, 2s. 4d.; total, 12li. 7s. 5d.

Edmond Batter,\* Moses Mavericke,\* James Brading,\* John Del,\* Willm. Pitt,\* Willm. (his mark) Nick, Tho. (his mark) Pitman, Arther (his mark) Sanden, Michael Coumes,\* Samwell Ward,\* Jno. (his mark) Waldron and Christopher (his mark) Latimer, jury of inquest appointed, Apr. 1, 1664, by the constable of Marblehead, to view the body of Jno. Bartoll, which was taken up dead out of the sea, reported that they found that he was the cause of his own death, because they found his "murmurd Cape" bound down about his neck and throat with his neckcloth, and he had been heard to let fall many discontented, troubled words about the time that he was lost.

\* Autograph.

All who did not appear according to summons were to have attachments given out for their appearance before the Worshipfull Major William Hathorne, who was ordered to hear them.\*

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\*The wife of Tho. Gardner, sr., Hanna Burton, Daniel Suthereck, the wife of Hendry Trask, Joshua Buffum and wife, the wife of Richard Gardener, John Suthereck, John Marston, sr., Mary Kiehin and the wife of Anthony Needham were also presented. Wit : Henery Scery, sr., Francis Lawes, Tho. Rootes and Thomas Rix.

Presentments, dated 30 : 9 : 1664, signed by Henery Skerey, sr., † in the name of the rest:—

Elisabeth, wife of Umphery Woodbery, was presented for striking the maid of Mr. Hubbard, Elisabeth Hiritton, several times. She owned that she struck her, but it was by order of her master. Wit: Robert Morgane and wife, and Joseph Harie. She was also presented for denying that she struck her, but was acquitted. Wit: Joseph Haire, Mary Lovett and the wife of Captaine Lowthrupp.

Bethiah Lowthropp † deposed that "Being called to witness what I heard goody woodbery Say concerning m<sup>r</sup> hubbards maid: I did hear her say that she did never strike the maid. the Blow was yet to give that ever she gave her either in the house or out of doore & this she said more then once or twice." Owned by the parties, 20 : 12 : 1664, before Hillyard Veren, † cleric.

"To all Persons vnto whom these p<sup>r</sup>sents may Come.

"Know yee, that whereas of late some persons have vnworthily (as I conceive) Endeavored, to present Elizabeth Woodbery, the wife of Humphry Woodberry, vnto the county court at Salem, as I am informed for strikeing a maide servant of o<sup>r</sup>s, (Wee coulde have wished that the rules of charity had been attended herein Especially seeing o<sup>r</sup> neighbours were not ignorant where we dwelt, & might have truely vnderstood the right of the business had they pleased to have spoken w<sup>th</sup> vs which had doubtlesse prevented trouble to the grand-juror, & sinn in others. How farr the matter is gonn, or how farr prejudice may Carry it we know not. Nor is o<sup>r</sup> purpose to charge any, or to bring discredit upon them, much lesse to blaze abroad the infamy of a servant, knone to all both in Lynn & Salem, that knew her at all, to be most vnfaithfull, and untoward in everything: So bad, unruly, sulen, careles, destructive, & disobedient, that we may truely say, she was fitter for bridewell, or the house of correction, then for any bodyes servant: Haveing occasion to be from home, & not daring to leave such an one with o<sup>r</sup> childe and house alone wee desired the aforesd Eliz Woodbery, o<sup>r</sup> Lo. friend & Kinds-woman to be over her & in place of vs, and noe more then needs, if we had power to discipline such an unruly servant, so had shee from us: whither our Couzin gave her a blow or not we know not, but are sure such an vntoward provokeing

† Autograph.



Mr. Will. Browne, Capt. Corwin, Mr. Batter, Mr. Price, Mr. Bartholmew, Mr. Croad, Mr. Gidney and Mr. Woodcocke had their licenses for retailing strong water renewed for the ensuing year.

wench Deserved enough, & did o<sup>r</sup> Couzin at any time eyther then in o<sup>r</sup> absence, or at any other time, when she ran from her mistres & worke, telling lies, at neighbours houses & refusing to come home, we say did she first or last or any time strike her, when as shee was sent for her, & || she || refused to come home, while this wench was servant, w<sup>ch</sup> she was to the Later end of may 64. we doe both of us warne her in it and affirme that she did noe more then she had o<sup>r</sup> authority for, & that her mistresse if p<sup>s</sup>ent would have don the same; & we doe much wonder that there should so much be made of it, when as we conceive, had it been a breach of law for o<sup>r</sup> couzin to have strook her, w<sup>ch</sup> it is not, she doing of it by o<sup>r</sup> power & rep<sup>s</sup>enting us; yet as we understd. there hath been noe wittnes brought th— testify aga. her: and if any of o<sup>r</sup> neighbours, should out of envie to her, or us affirme and testify anything against her, wherein she hath offended them in striking o<sup>r</sup> servant; we must professe, in o<sup>r</sup> p<sup>s</sup>ence she never strook her, nor gave her any bad language, and in o<sup>r</sup> absence (as we sd before) she was impowered by us, as also when we sent her up and downe among the neighb<sup>r</sup>s to fete her home if she strook her at any time, we justify & allow her in it she was o<sup>r</sup> servant a sad & bad one, and wt o<sup>r</sup> s<sup>d</sup> kindswoman hath don is as if her mistresse had & we must owne her in wt she hath or might doe, & they may as well p<sup>s</sup>ent us as her; who are ready to answer, knowing no law of gd nor man to be broken in this case; I wish o<sup>r</sup> people as forward in p<sup>s</sup>ent reall breaches of ye law of god, & man, as they are in this, w<sup>ch</sup> we feare not w<sup>th</sup> out grounds to be an act of malice to her & us let su— know, they doe not as they would be don by: P vs

“Jer. & Eliz. Hubbard.\*”

Robert Morgan\* deposed, Dec. 17, 1664, that being cited before the grand jury at Salem, who told him that there was a matter of battery left to them by the former jury, concerning Eliz. Woodbery, which wanted proof, he said that she never saw Goody Woodbery strike Mr. Hubbard's maid, except once at his own house. Said Morgan and his wife affirmed that the maid never complained to them of any bad language to her from Eliz. Woodbery and that she was very loving and kind to her, etc.

Elizabeth (her mark) Herendone certified that Elizabeth Woodbery never struck her but two blows in her life, and those might have been given to a child of two years. She offered to strike her once at Mistress Gardenares house, but said Elizabeth kept it off with her hand. Wit: Elizabeth (her mark) Dickes and Sarah (her mark) Carpender.

\*Autograph.

Arthur Sandy had his former license renewed.

Servants of the house were allowed five shillings, and Mr. Browne's maid twelve pence.

On 13 : 10 : 1664, Abell Osier, Mr. Gidney's man, was fined by Majr. Hathorne for slighting authority and for lascivious carriages towards the maids of the house.\*

Constable Pickman and Goodman Morgaine were allowed witness fees.

Zachary Herrick was fined by Major Will. Hathorne, 14 : 12 : 1664, for breach of the peace in striking Nicholas Decaine several blows.

The marshal agreed to assign 12li. of Salem's county rate to Mr. Gidney, also Lin, Topsfeild and Gloster county rate; and a fine of John Blyes, 4li. 5s.

Jeremiah Watts,† Allen Bread,† William Merriam,† John Dodge,† Henery Hericke,† Thomas Rix† and Joshua Rea.††

Expenses at Mr. Gidneyes, 29 : 9 : 1664, 18li. 16s. 10d.; Major Hathorne upon a court of ye presentments together with another meeting of his, 18s.; debtes of old, 45li. 2s.; charged to Mr. Gidnies credit, John Briant, 3li. 10s., Jo. Williams, 5li., Jon. West, 5s., Mr. Duncan, 1li., Richd. Ober, 10s., Sergt. Browne, 10s., Abell Osier, 2li., Eleaser Hathorn, 10s. and Mr. Tod, 10s., 13li. 15s. 10d.; total, to Mr. Gedney, 50li. 18s. 5d.

\*Mary Tachell and Elizabeth White deposed that Abell Osier had taken the opportunity when they were alone to carry himself very lasciviously toward them, and that his uncivil actions to said Elizabeth had been such that she had been fain to cry out. Sworn before ye worshipfull Major Wm. Hathorne, 13 : 10 : 1664, attest, Hillyard Veren,† cleric. Deponents further said that they heard said Osier say that Major Hathorn did not do him justice and that he should know what a French boy could do shortly, and that he would appeal to Bostone, etc. Sworn in court.

Shoreborne Willson and John Willson deposed that being together in the former's house on Sept. 25, 1664, and Hannah, daughter of John Johnson of Andover being there also, said John Willson went out to go home. Hannah followed him, called out to him and said her cousin William would go along with him to John Anaball's, if he would stay. Willson told her he was in haste to go home and she said "me thinkes if I were a mayd againe I could love you || if the old rogue were dead || he answered she was a married woman & no mayd," etc. He, going away, said "good night," and she moved toward him, saying "will you be gone y<sup>n</sup> I must leave you & I am sorry for that." Sworn in court.

"To John Pickring Constable of Salem

"These are in his Majesties name to Require you that w<sup>th</sup> all speed you send this letter to Ipswich to the spones derected, either

\*Autograph.

†Names on the reverse of paper.

## COURT HELD AT IPSWICH, FEB. 18, 1664.

John Coleman, dying intestate, the Honored Majestrates, Mr. Samuell Symonds and Major Genrll. Denison, granted administration upon his estate to Mr. Petter Duncan, and he was ordered to bring in an inventory to the next Ipswich court.

by hiring a man, or pressing if not other wise, fayle not at y<sup>r</sup> Perrill p me Wm Hathorne.\*

"21 : 6<sup>mo</sup> 1664:"

On 28 : 4 : 1664, the following bill was to be allowed Constable Pickering: Charges about the prisoner, 2 men keeping him before he was sent away, 1 day, 3s.; at Mr. Hathorne's, 4s.; expenses at Winnesimet, 3s.; ferriage over to Boston, 9d.; ferriage coming back, 6s.; refreshing the men homeward, 2s.; 2 men, 2 days bringing him to Boston, 8s.; total, 1li. 1s. 3d.

Summons, dated 29 : 4 : 1664, to Mr. Anthony Ashby to appear the next day at 9 o'clock to answer a complaint, signed by Hillyard Veren,\* for the court.

Warrant, dated 27 : 9 : 1663, to arrest John Porter, jr., and take him to Bostone goal, and deliver him to the keeper, signed by Hillyard Veren,\* cleric.

Warrant to the constables of Wenham, Salem, Lin, Charlstowne and Boston, dated Apr. 28, 1664, to make hue and cry and diligent search for Stephen Goodwin, "who this night hath broken the prison at Ipswich and careyed a way his sheekles he is a short big fellow a ruddy complexion browne harie curled an oldd round cround hatte a ruset jacket and breeches one p the lachets of his shoes of having found him you are to apprehend and safely to convey him to Ipswich prisson," signed by Maj. Denison. Copy.

John Frie,\* Richard Barker,\* John (his mark) Johnson, Henry Ingalls,\* Ralfe (his mark) Farnum, John (his mark) Russe, George Abbot,\* Mark (his mark) Graves, Robert (his mark) Russell, Thomas Abot,\* Timothy Johnson\* and Walter (his mark) Wright, a jury of inquest appointed to view the body of Peter Allyn, "who going forth into the woods to worke in March last could not be found nor heard of notwithstanding the diligent search that was made for him sevall dayes till this 21. 4th 64," reported that "An Indian informed there was an English man found in the Ryver called Shawshin about a myle from the Towne of Andou<sup>r</sup> was repared to the place & found the s<sup>d</sup> Peter Allyn lyeing in the se Ryver pt of his cloathes on, & girt about him, his breeches & one stocking being rolled or torne of & pt of his flesh consumed, soe wee conceaue according to o<sup>r</sup> best apprehension, that hee lost himselfe in the woods & going ouer the Ryv<sup>r</sup> accidently fell in & wa<sup>d</sup> drowned."

"Wee whose names are underwritten of the inhabitants of || the

\* Autograph.

## COURT HELD AT IPSWICH, MAR. 28, 1665.

Judges: Mr. Symon Bradstreet, Mr. Samuell Symonds, Major Genll. Denison and Major Willm. Hathorne.

Jury of trials: Lift. Samuell Appleton, Ens. Thomas Howlett, Cornett John Whipple, Samuell Graves, Jacob Perkins, Edward Chapman, John Kimball, John Bartlett, John Bayley, Edward Woodman, Tho. Bishop and John Andrews.

Aron Pengry was sworn constable for Ipswich, Tho. Baker for Topsfield, and Sam. Moody for Newbury.

Civil cases:—

Thomas Waite v. James Coleman and Edmond Ashby. For felling a tree and spoiling his ox. Verdict for defendant.\*

John Warner, assignee of Thomas Wells and Dan. Warner v. John Fuller. Debt. The parties agreed.

John Hathorne v. John Pemberton. Debt. Verdict for plaintiff.

John Emery v. Richard Kent. For taking away a young mare contrary to law. Nonsuited.

towne || of manchester having hyrede Thomas wright for our Cow-keper: but by Reesson of divers thretning speaches geven out against hime: by John west which made the seyede wright a frayde of his life if he went that way: which made hime complaine to vs of it when we hyrede hime: & now senc the sayde wright is gonn whether we know nott: by which wee ar gretly damnyfiede for want of on to goe out with our Cowes. Therefore we do Humbly intreat this Honnored Courtt to tak it in thear seruss Consideration that the fatherles: & motherles childn may bee loked after: for wee think that we ar bound in duty to move it unto thes Hon<sup>r</sup> Court that thes || man || may be soft out if he be living or deade. tested Henry Lay, Tho. Bishope, Nickolos Vinson, Abraham Whitehear, Aron Bennett, Ephrahime Mastone, Onysefarus Alling, Elisabeth Larcum.”

\*Thomas Burnum, sr., and Nathaniel Gage, aged about twenty years, deposed that about two or three months since, being in the woods on the south end of Red Roote hill, they saw a bullock which they then thought to be Thomas Waytes' for they knew he had missed one, which bullock lay under the body of a tree but lately fallen. Seeing the beast to be alive they cut away the boughs and helped him out and gave notice to said Wayte, who was then at Chebacky falls. They judged that the said bullock was beaten down by the fall of the tree and had not been by any other cattle or by himself thrust under the tree. Sworn in court.

Ephriame Fellows and Jeams Ford deposed that as we were at work upon the same hill where the bullock was, Reienalld Foster's cattle came to them the same day, etc. Sworn in court

Mr. Ezekiell Rogers v. Mrs. Mary Rogers, executrix of the estate of Mr. Ezekiell Rogers of Rowley. Verdict for plaintiff. Respitted until the next Salem court.\*

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\*Writ: Ezekiell Rogers, son of Mr. Nathaniell Rogers, deceased, late of Ipswich v. Mrs. Mary Rogers, executrix of the will of Mr. Ezekiell Rogers of Rowley; for not performing a promise made to said Mr. Nathaniell in behalf of his son, whereby said Mr. Ezekiell Rogers of Rowley had been obliged to provide for Ezekiell Rogers, son of Mr. Nathaniel, and to make his portion as good as the rest of the sons', which damage amounted to about three hundred pounds; dated Mar. 23, 1664; signed by Robert Lord,† for the court; and served by Robert Lord,† marshal, by attachment of the house and land of Mrs. Rogers, also pasture land on the north side of the house.

Ezekiel Rogers' bill of cost, for sending to Yorkshire for M. Boyes' testimony, etc., 3li. 16s. 2d.

John Appleton,† William Goodhue† and Edward Lummas† certified, Mar. 27, 1664-5, that the houses and lands of Mr. Nathaniell Rogers, appraised in the inventory at 482li., were now worth 1,400li.

Mrs. Mary Rogers' bill of cost, 1li. 13s.

The plaintiff's declaration: That he was excluded from his father's will and had no portion bequeathed to him, as did the rest of his brethren, only a smaller pledge of his love and obligation to his memory; and that not out of any disregard or less regard to plaintiff but upon a full engagement of Mr. Ezek. Rogers of Rowley, and that at the time when plaintiff's father, Mr. Nath. Rogers, was making his will, he promised to make the plaintiff's portion as good as the rest and to provide for him, whereby Mr. Nath. Rogers discharged himself from any care concerning plaintiff and indeed looked upon him as the elder brother, though but his fourth son, and who so knew the great intimacy and correspondence between the said Mr. Ez. Rogers and Mr. Nath. Rogers throughout the whole time of their neighborhood and converse together, besides their relation and consanguinity; and considering that Mr. Ezek. Rogers had no heirs of his own to whom to bequeath his estate, one would readily conceive that the said Mr. Nath., especially upon solemn engagement from his kinsman, Mr. Ezek., might without infringing any rule of prudence, trust that his son, the plaintiff, of the same name and blood with Mr. Ezekiel, should every way be provided for, and that to advantage as to maintenance and inheritance. But upon mistake, the plaintiff believes, having the most respectful apprehensions of the integrity of his honored and Revd. cousin Mr. Ezekiel Rogers, this engagement either as to maintenance or inheritance, has not in any suitable measure been performed. Plaintiff pleads for reparation, all other

† Autograph.

overtures for a more private and amicable way of putting an issue to the case being rejected by defendant, and offers proof particular. That Mr. Nath. would not have left plaintiff out of his will, had he not thought Mr. Ezek. would carry out his engagement, as appears by testimony of Mr. W. Hubberd, Mr. Jno. Whipple and Mr. Ezekiel Cheever. That the plaintiff was left out of his father's will. That Mr. Ezek. Rogers of Rowley engaged to Mr. Nath., when upon his death bed to do for his son Ezekiel, as by testimony of Matthew Boyes, Mr. W. Hubberd, Mr. Jno. Whipple and son of Rowley and S. Brokelbanke. That the portion falls short, it being but 160li., whereby the others received 400li. each, and the amount was to be paid to the plaintiff in country pay which is the meanest that may be, whereas the sons of Mr. Nath. Rogers have 100li. in England and their hundreds here, which they have received, are better than the 160li. in country pay. That it was six years from the death of Mr. Nath. before he received the first 80li. and another year before he received the other 80li., and the plaintiff knows of not more than 20li. allowed toward his maintenance for the whole time, whereas he might upon just grounds challenge 100li. As to maintenance he was bound by Mr. Ezekiel Rogers' act in appointing Goodman Bayly of Rowley to pay 10li. per annum, and by the testimony of J. Rogers.

Will of Mr. Nathaniell Rogers, pastor of the church of Christ at Ipswich, taken from his own mouth, July 3, 1655, and proved by oaths of Mr. Ezekiel Cheever and Deacon John Whipple, 25 : 7 : 1655, in Ipswich court:

"Concerning my outward estate to one of the bretheren I have left a peculiar charge w<sup>h</sup> he shall have power in himselfe to doe and not to suspend. The summ of my estate both in old England and new, seemes to amount to about the value of twelve hundred pound; of w<sup>h</sup> summ, foure hundred pound is expected from my Father Mr. Robert Crane in England. To my son John, to prevent expectation of a double portion, I haue not so bequeathed, he hath never beene by any labour serviceable to his bretheren, but hath beene upheld by there labour, & payne, while he hath beene determyning his way. Therefore I give & bequeath to him an equall portion with his other bretheren, viz. The summ of one hundred pound of my estate in old England & one hundred pound of my estate in New England. To my sonne Nathaniell I give & bequeath y<sup>e</sup> summ of one hundred pound out of my Estate in old England; & one hundred pound out of my estate in New England." He also bequeathed to his sons, Nathaniell, Samuell, Timothy, and Ezekiel, each, 100li. of his estate in old England and 100li. in New England.

"To my sonne Ezekiel I give & bequeath the sum of twenty pound, w<sup>h</sup> he shall have liberty to take in my bookes, if he please. To my daughter I have already given her at least two hundred pound. The Time of y<sup>e</sup> childrens receiveing their portions either in pt. or whole, shall be according to ye mutuall advice of my

executors, with these godly frends named, viz. My cousin Ezekiel Rogers, Mathew Boyes, Ezekiel Cheever, who are intreated to advise and counsell in this, & any other case as need shall require. To my three grandchildren, John, Nathaniel, Margret Hubbard, I give & bequeath to each of them, the summ of fortye shillings. To my cousin John Rogers I give & bequeath, y<sup>e</sup> summ of five pound, w<sup>ch</sup> is in the hands of Ensigne Howlett. To the children of my cousin John Harris of Rowley, viz. Elizabeth, Nathaniell, John, Mary, I give & bequeath to each of them y<sup>e</sup> summe of twenty shillings. To Mary Quilter my mayd servant, I give y<sup>e</sup> summ of three pound. To Sarah Fillybrowne my other mayd servant, I give y<sup>e</sup> summ of ten shillings. To Harbert Colledge in Cambridge I give & bequeath y<sup>e</sup> summ of five pounds. To the poore I give y<sup>e</sup> summ of three pound.

"The remayneing part of my estate || not yet disposed of || I give to my deare wife M<sup>rs</sup> Margrett Rogers dureing her life, & after her decease to be equally distributed among my children by y<sup>e</sup> advice of y<sup>e</sup> friends above named. I doe || ordayne & || constitute my deare || & beloved || wife M<sup>rs</sup> Margret Rogers, and my trusty & wellbeloved freinds M<sup>r</sup> Robert Payne and John Whipple to be executors of this my last will, & Testament." Copy made, May 29, 1656, by Robert Lord,\* cleric.

Inventory of the estate of Mr. Nathaniell Rogers of Ipswich, taken Aug. 16, 1655, by Robert Lord and Moses Pengry and allowed, 25 : 7 : 1655, in Ipswich court: In the hall, a round table with five joyne stooles, 16s.; six charies & five cussions, 11i.; a trunke, chest, & hanging Cuboard, 11i. 1s.; 2 Spanish platters, 5s.; a small cisterne with other implements, 17s.; a corslet, musket & fouleing peece, 3li.; a paire of cobirons & tounes, 7s. In the Parlour, a short table & forme, 19s.; 6 cushen stooles & 2 chaires, 2li.; a livery cupboard, 15s.; a featherbed, boulster, 2 downe pillows, coverlet, blankett & canopie bedsted, 6li. 18s.; a great chaire, 6s.; 2 pictures, 2li.; a clock & other Implmts., 3li.; a paire of Andiorns, fire pan & tounes, 13s.; 2 window curtaynes & rods, 10s.; a carpet, cubard cloth & Round table, 11i. 5s.; a treble viall, 10s. In the kitchen, 5 Iron potts and one old brase pot, 2li.; a copper kettell & two other old kettells, 4li. 10s.; 3 spitts, p. of cobirons, firepan & tonges, forke, tramells and Irons, 11i. 16s. 8d.; a copper & five skilletts, 2li. 15s.; 4 brase candlesticks & a chafindish, 15s.; a baking pan & a small old kettell, 6s.; 2 pudding pans, stewing pan & dripping pan, 5s.; a warmeing pan, mortar & ladell, 10s.; pewter, 153li. 1-2 at 6d. p. li., 10li. 4s. 8d.; a Jack, pot-hooks & other Implemts, 11i.; a kneading trough, tubs, & other Lumber, 10s.; a trevet & fryeing pan, 6s.; 2 Gally basins, glasses & other Implmts, 16s.; a chafendish, & bedpan, 14s. In the cellar, 6 beere barrells, 3 poudering tubs, 2 leads, 4 trayes, a cheespres & some Lumber, 4li. 4s. In the Parlour chambor, a bedsted, curtaines,

\*Autograph.

valence & featherbed, bolster, mattress, blankets, Rugge, flock bolster, 2 down pillows, 14li. 10s.; a chest of drawers, 2li. 10s.; a trunk, 3 cushion chairs, 2 stools, 2li. 14s.; a suite of greene, curtaynes & valance, 1li. 13s.; 3 carpets, 3li.; a cubbord cloth, 1li. 10s.; 2 window cushions, 1li.; a ppetuany coverlett, 1li. 5s.; a carpet, 2 window curtaynes & Rods, 16s.; a gilt looking glasse, 6s. 8d.; a childing wicker basket, 3s.; a table basskett, 2s.; a paire of Andirons & tongs, 6s. 8d.; a suite of diaper table lenen, 4li.; another suite of diaper lenen, 2li. 15s.; a diap. cubard cloth, 1li. 5s.; 2 paire of Holand sheets, 3li. 10s.; 5 pillow beeres, 1li. 15s.; a paire of pillow beeres, 12s.; 2 cubard cloths & a paire of sheetes, 1li. 13s.; 23 napkins, 1li. 6s. 10d.; a diap. cubard cloth, 10s.; a holland cubord cloth, 8s.; 3 holland table cloths, 1li. 5s.; 4 paire of sheets, 4li. 10s.; 3 towells, & a short table cloth, 10s.; a paire of pillow beeres, 7s.; goods out of England, 21li. 6s. 8d.; 3 paire of stockins, 1li. 1s. 8d. In the hall chamber, one bedsted & cord, 16s.; curtaynes & valance, 1li. 5s.; a featherbed & bolster, 4li. 10s.; a flock bolster & 2 downe pillows, 1li. 2s.; a yallow rugg, 2li.; in English goods, 16li.; one pr. of sheets, 15s.; 6 cushions, 1li. 10s.; a couch & old coverlet, 7s.; in plate, 35li. 18s.; a watch, 4li.; one chest with a drawer, 16s.; 6 cushions, 24s.; a curtayne & 2 rods, 5s., 1li. 9s.; 6 yards of satinesco, 1li.; 7 pr. old sheetes, 3li. 3s.; 2 pr. corse pillow beeres, 10s.; 2 small trunks with old boxes, 10s.; a chaire, trundlebed, & little flock bed, 16s. 6d.; a bedsted, flockbed & coverlet & blanket old, 1li. 17s. In the Garret over the parlour, one bedsted & cord, bed, & bolster, 2 old ruggs, 4li. 2s.; one chaire, 1s. 2d. In the study, his Library, 100 li.; a cabinet deske & 2 chaires, 1li. 5s.; a paire of creeps & pr. of tounge, 2s. 6d. In the chamber over the Kitchen, 2 flockbeds, blanket, ould coverlet, fether bolster & flock bolster, 3li. 10s.; 2 bedsteds & old rugg, 12s.; his weareing apparell, 16li.; wheat & barley in the barne, 200 bushels, 40li.; Indian corne, 160 bush. at 2s. 6d., 20li.; mault, 4 bush., 18s.; 2 bush. & halfe of rye, 10s.; woole & old caske, 8s.; 2 horses, 2 mares, one very old, 2 colts, 64li.; 7 oxen, 6 cows, 66li. 13s. 4d.; 2 yearlings & 2 calves, 6li.; 3 ewes, 2 lambs, one weather, 9li.; swyne, 8li.; 6 acres of Indian corn on the ground, 9li.; 14 acres of upland & meddow at Mr. Eppses, 14li.; the farme where Goodman Commins is, 130li.; 15 acres on the common, 10li.; the house & land in Ed. Chapmans hand with the pasture adjoyneing, 120li.; carts, ploughs & furniture, 4li.; marsh in the hundreds, 8li.; the dwelling house, barne & orchard & 24 acres of land in the common field, 200li.; in good debts, 50li.; in old England in Mr. Robert Crane, sr., hand, 400li.; total, 1,497li. 12s. 4d. Copy made, Jan. 1, 1657, by Robert Lord,\* cleric.

Maxemillion Jewet testified that he heard Mr. Rogers of Rowley express himself very much dissatisfied with the carriage of Ezekiel Rogers, particularly his familiarity with John Smith, his servant, the Scotchman, etc. Sworn in court.

\* Autograph.



Mrs. Mary Rogers' answer to Mr. Ezekiell Rogers' declaration: That they do not know why Mr. Nathaniell Rogers gave his son but twenty pounds, but probably he did, as he was a wise and prudent man. That they did not recognize any engagement of Mr. Ezekiell to provide for Ezekiell, as per testimony of John Pickard. That Ezekiell would have had more if he had been attentive to Mr. Rogers. That if consanguinity and bearing of the same name was sufficient to give title to men's estates, we should have little need of law. That Mr. Rogers never adopted Ezekiell as his own. That as for damage sustained by Ezekiell, they never knew any man to lose what he never had. That if Mr. Nathanell had an equal respect to his son, it did not so appear by his will nor by any word from Mr. Hubbard, Mr. Whiple or Mr. Cheaver. That Ezekiell received as good pay as the others, neat cattle, wheat, Indian corn, pork, butter and silver, and the cattle were appraised at a very low rate, etc.

Richard Swan testified that visiting Mr. Rogers between the time of Mr. Nathaniell Rogers' death and Mr. Ezekiell Rogers' making his will, said Rogers was troubled about Ezekiell Rogers, saying that he had not come to him when he had sent for him, nor would he cut off a lock of his hair at his desire. Sworn in court.

John Pickard, aged about forty-three years, deposed that he was present with Mathew Boyes, and the latter said that he was sent for to help make the will of Mr. Nathanll. Rogers and was also desired to repair to Mr. Ezekiel Rogers of Rowley to inquire of said Mr. Ezekiell what he intended to do for Ezekiell, said Nathanll's son, that the latter might know how to divide his estate. "Our Pastor" sent word that his cousin need not do anything for Ezekiell for he would do as much for him as Mr. Nathaniell would do for the rest of his children. Deponent said that about a year and a half before Mr. Ezekiell died, he heard him say that Ezekiell pleased him not, therefore he would give him no more than what he must, and being reminded of his engagement by Mathew Boyes, he declared that if it were not for respect to my cousin deceased, he would give him nothing. His reasons were, first, because he refused to dwell with him; second, because he would not keep at the College although he would have maintained him; third, because he spoke to his mother to have his hair cut, but could not get it done. Deponent told him if these things were true Ezekiell deserved to be disinherited. Sworn in court.

Mr. Jno. Whipple, sr., aged about sixty years, deposed that speaking with Mr. Nathaneel Rogers in his last sickness a few days before his death, he repaired to Mathew Boyse of Rowley, who was looked upon at that time as one having the greatest interest in Mr. Ezekiell Rogers, etc. Elder John Whipple and Mr. William Hubbard testified to the substance of the same. Sworn in court.

John Pickard deposed that at about the time Mr. Ez. Rogers of Rowley sold a parcel of land to James Bayly, said Rogers declared that his reason for selling it was to procure a servant and to

pay ten pounds yearly to Mrs. Rogers of Ipswich toward the maintenance of her son Ezekiel. Sworn in court.

James Bayley deposed that Mr. Ez. Rogers ordered him to pay for the land, 40li. in four years, of which he paid the first 10li. to Mrs. Rogers, but was forbidden to pay the rest because Mr. Rogers was displeased with the young man about his marriage. Sworn in court.

W. Hubbard, jr., aged about forty years, deposed that in the year 1655, when Mathew Boyes went to consult Mr. Ezekiel Rogers about Nathaniell's will, he found Mr. Ezekiel in his chamber very ill and lame in his right hand so that he was unable to write, etc. Also in 1660, he was present with Elder Whipple at the house of Mr. Ezekiel, and told him that the other children of Mr. Nathaniell had 300li. each, at which Mr. Ezekiel was silent, but finally said "I have allowed my cousin Ezekiel Rogers 10.<sup>li</sup> a year, which is a considerable matter for mee in this country, although in England I should have accounted it nothing." Sworn in court.

Mary Hubbert\* affirmed that after her father Rogers' death, her brother Ezekiel Rogers was very desirous of living with his cousin Mr. Ezekiel Rogers of Rowley, because when sundry complaints were made to his mother against him, he knew he could please him if he lived with him, but he should never please him unless he did. Deponent said that their friends tried to induce her cousin to have him, but were discouraged, after hearing a report from one near to her cousin that he should not go there. When her brother lived with him before, he wore his hair longer by her cousin's sufferance, contrary to her father's desire, than the rest of his brothers. This was one reason why he was not willing to live constantly at the College, because he had not sufficient maintenance allowed, not having more than five pounds a year at the most. Sworn, Mar. 31, 1665, before Jo. Woodbridge, sr.,\* and Nathl. Saltonstall.\*

Samuell Brocklebank deposed that he was present when Mr. Ezekiel Rogers of Rowley made his will and that he left Ezekiel but eight score pounds, saying that what he had promised was on condition that he would be guided by him and hearken to his counsel, which he had never done since his father's death. Sworn in court.

Mrs. Margaret Rogers, aged about fifty-five years, deposed that Mr. Ezekiel Rogers told her, after her husband's death, that he would give her son Ezekiel his house where he then lived, with several parcels of land and to allow 10li. yearly toward his education. She also went to see him about her son Ezekiel's hair which was complained of as being too long, "but when Mr. Ez. Rogers, would have had her son bound to let his hayre be no longer then to y<sup>e</sup> lower tip of his eares, she told him, she would never yeild to

\* Autograph.

Tho. Kimball, assignee of Robert Punell v. Richard Shattswell.  
Debt. Verdict for defendant.

John Procter v. John Hasscall. Verdict for plaintiff.\*

William Lambert v. George Hadley. For withholding three pounds, it being the gift of Rich. Saltonstall, Esq. Nonsuited.

Robert Andrews v. The constable of Rowley. Trespass upon replevin. Verdict for defendant.†

such a snare for her child, tho he never had peny of him while he lived," etc. Sworn, Mar. 30, 1665, before Daniel Denison.‡

Mathew Boyes‡ of Leeds, Yorkshire, aged about fifty years, deposed that Mr. Ezekieil Rogers told him that if Ezekieil proved a godly man and pleased him, he would give him one-half of his land in Rowley. Sworn at York, Jan. 16, 1661, before Rich. Etherington,‡ one of the Masters in Chancery.

\*John Dodge deposed that John Haskell asked him if he thought her friends would be willing and deponent said he thought so if he and his friends desired it. He still came to see her, whereupon deponent told him that he was a transgressor of the law in coming to her without her friends' consent. He answered that he had spoken to his father and he promised to go down to her father, etc. Sworn in court.

— — deposed that John Haskell, coming to his house as he was going to Goodman Procter's, asked deponent if he knew how Martha Procter did, and he replied that she was well so far as he knew. Haskell said that her brother Dodge told him that he had carried her away and that she was nearly distracted for him. Deponent said "Have you made her any promise in way of marriage?" he answered noe I did but jest with her, as I might with any other maid." Further deponent wished him by all means to go to her, for he thought she would make him as good a wife as any daughter Goodman Procter had. "Nay," said he, "if my father thought she would prove noe better then his daughter Sarah Procter, he had rather give her 100 pound then that I should match with her." Sworn in court.

On the reverse of foregoing paper: "Bro. Jno. Giddins these."

‡Writ of replevin, dated Mar. 23, 1664-5, to deliver a black two year old heifer to Robard Andros, sr., distrained by the constable of Rouely, signed by John Redington,‡ for the court. and served by Isack Estey,‡ constable of Topsfeld.

Isack Estey's‡ receipt, as constable of Topsfeld, to Robart Andrews, sr., for the country rate for 1664.

Agreement, dated Jan. 18, 1653, between Joseph Jewett‡ of Rowley and Thomas Dorman, Willeam Emanes, Thomas Houlat and Frances Paybody of Topsfeld, for a parcel of land in Rowley in a village lately agreed on by the town of Rowley, which said

‡ Autograph.

Zacheous Gould v. The constable of Rowley. Trespass upon replevin. Verdict for defendant.

Jonas Gregory v. John Leigh. Unjust molestation and false imprisonment. By commencing two actions against him and not prosecuting. Verdict for plaintiff. John Leigh appealed to the next Court of Assistants. John Leigh and Joseph Armitage bound.

John Tod v. John Remington. Debt. Verdict for plaintiff.

Abraham Fitt v. Symon Tompson. For not performing his promise. Verdict for defendant.\*

Jewett sold to them for 70li. to be paid at Jewett's house in Rowley in corn or cattle, etc. Wit: Jerimiah Jewett† and John Tod.†

\*Writ: Abraham Fitt v. Symon Tompson; for not performing his promise he made to him in drawing him away from Salsbury to come to dwell in this town, viz., that if he would come he would give him forty pounds in the purchase he had bought; dated Mar. 20, 1664; signed by Robert Lord,† for the court; and served by Robert Lord,† marshal.

"In satisfaction of the forty pounds I promised Abraham Fitt in consideration of his marriage with my daughter I tender to him the foure Cowes and six sheepe which he hath long since received. Also to acquitt him of two years rent due to me for the Land he had of mine before he made his bond of five pound a yeare. And if it shal be judged by indifferent men that the s<sup>d</sup> cattle and rent fall short of forty pounds I tender further to abate so much of the rent due to me since by his bond or bill, which he hath yet in his hand as shall in the judgment of the s<sup>d</sup> men fully make up the s<sup>d</sup> forty pounds."

Simon Tompson's bill of cost, 1li. 8s. 8d.

Agreement, dated Jan. 30, 1656, between Symon (his mark) Tompson and Abraham Fitt, his son-in-law, that Abraham should pay one-half of the purchase of the house and land, in which he now dwells, which said Symon bought of Humphry Griffen; that Abraham should pay to Symon five pounds per year during the term of his natural life and four pounds per year to Rachell, his wife, in case she survive, during her natural life; that if Abraham could pay part or all the purchase price, then all or part of the rent to be taken off proportionable to so much as is paid, provided also that in case he do not purchase it, but comes to him by gift of the said Symon, then it was to be given to the issue of the said Abraham and Sarah, his present wife. Wit: Robert Lord and Esaiah Wood. Copy made, Apr. 30, 1666, by Robert Lord,† cleric.

Robert Lord, aged about sixty-two years, deposed that he went with Abraham Fitt to the house of Symon Tompson to get the forty pounds promised if he would come from Salsbury where said

†Autograph.

John Pickering v. Capt. Walter Prise, Mr. Henry Bartholmew, Mr. John and Samuell Gardner. Review. Verdict for defendant.

Richard Kent v. John Emry. Replevin of a young mare. Verdict for plaintiff.\*

Abraham was then settled. Thompson denied that he made the promise, but said he would pay if he saw sworn testimony. The latter also was present when deponent's brother Fitt and his wife gave their testimony, and at first said it was false, but later returned and said it was true. Sworn in court before Daniel Denison.†

Robert Fitt and Grace, his wife, testified that their son Abraham was well settled in his house at Salisbury, when Tompson desired him to go to Ipswich to live, and also suggested to them to go also and to help him in the purchase, etc. Sworn, Dec. 15, 1664, before Samuel Symonds† and Daniel Denison.† Recorded, Dec. 22, 1664, in the second book, folio 217, by Robert Lord,† recorder.

Isayah Wood testified that he heard his uncle Fitt say to his father Tomson, "brother tomson: if g<sup>m</sup> griffin will sell his house and land I pray you buy it for mee and my son: and we will com and purches it: and dwell upon Itt." Sworn in court.

Elisebeth Sherod deposed that she heard old Goodman Fitts ask her husband Griffin if he would sell his house and land and he answered if he had a good chapman, he might sell it, etc. Sworn, Mar. 20, 1664, before Daniel Denison.†

Henry Short testified that he gave his consent to his brother Tompson to make use of his sister's portion and also sent him between forty and fifty pounds out of his own estate to enable him to pay Humfery Greffin. Sworn in court.

John Severanes and John Stevenes deposed, 20 : 11 : 1664, that they were at the house of Robert Feates about eight or nine years before, when the promise was made, etc. Sworn, Mar. 25, 1665, before Daniel Denison.†

\*Writ of replevin, dated Nov. 25, 1664, to deliver a mare, taken up by John Emery, to Richard Kent, signed by Daniel Denison,† for the court, and served by Wm. Chand[ler],† constable of Newbury.

Richard Kent's bill of charge, 4li. 4s.

Copy of depositions of Thomas Blomfield, Daniell Thurston, Frances Plumer and William Neafe, sworn in Ipswich court, Sept. 27, 1664, made by Robert Lord,† cleric.

Copy from the book of records for strays taken Sept. 28, 1664, by Robert Lord,† cleric: "There is a stray bay mare about two yeare ould foure black feet a black maine & black taylor taken up by John Emery of Newbury the 18<sup>th</sup> (12) 63 prised by Daniell Thurston, John Bond, & Thomas Bloomfield at six pound."

† Autograph.

Sammuell Sayer, aged about eighteen years, deposed that he was often at Goodman Emeryes and noticed that the colt had Newbery brand mark on him before Emery took him up the first time, and the latter kept the colt in his barn two or three days, etc. Sworn in court.

Willia. Lovering, constable of Rowley, testified that he cried a young mare for John Emery, etc.

John Pike\* testified, Oct. 25, 1664, that John Emery asked Richard Kent whether he would pay him 3li. 10s., of the bill according to Rich. Dole's tender, and he said he would, etc. This was concerning the agreement at Ipswich court. Sworn, 30: 1 : 1665, before Wm. Hathorne.\* Willyam Elsly testified the same.

Richard Dole deposed that Richard Kent paid him the 3li. 10s., etc. Owned in court by John Emery.

Jane Kent could testify upon oath that she went to Goodman Blomfill to get him to go with her to Goodman Emery's to give him 3li. 10s. for the colt. Emery said, "you doe not ow me so much doe you: yes saied I we ow you so much for the colt doe we not: his answer was he was to have his choice and he wold have halfe the colt: I objected what if the colt be to seecke and his answer was his fockes saied he was at plom Iland: I saied it was moore then we knew and I saied for the ten shillings you have som part in your hand and we will pay you the rest in beefe if you please I said you have put my husband to a great deale of charg and have not inricht your selfe. I told you my husband wold satisfie you for what you ware out with the colt: ay saied he you saied so but you did not doe it: my answer was how could we and you wold not tell vs what it was."

Plea of John Emery, sr.: That the case was not triable, not being stated according to law in cases of replevin, as on page 69 of the law book, as every man has liberty to replevin, page 83; that his indictment was for taking up a colt, which is legal, and not being indicted for breach of any law, there was nothing to answer; that he had other colts that he might have levied the replevin upon as well as upon the stray; that if Kent had proved the colt his and given satisfaction for expenses, as per law book, page 73, he might have had the colt long ago, etc.

Plea of Richard Kent: That among other horses and colts that sometime fed upon Plumb Iland, there was a bay mare colt, which came of a mare which he sold to his brother John Kent; that in Feb.. 1663, the colt came away unknown to him, and thinking that he was still at Plumb Iland, denied it to be his, but later found out the truth and demanded him of John Emery; that plaintiff desired John Plumer to speak to defendant; that notwithstanding the settlement at the last court, the colt was afterward taken up near Benjamin Roafe's house and kept secret for a time and a withe put upon her for a stray, etc.

\*Autograph.

Capt. Walter Barfoote v. Anthony Ashbye. Debt. Verdict for plaintiff.\*

Mr. Anthony Crosbye v. Tho. Nellson, John Brocklebanke, Sam. Platts and Lenord Hariman. Verdict for defendants.†

Mr. Anthony Crosbye v. Robert Swan. Verdict for defendant.‡

\*Anthony Ashby§ of Salem, Sept. 14, 1663, acknowledged a debt of 3li. 10s. to Walter Barefoote of Boston, to be paid on or before Sept. 29, in boots or shoes. Wit: Hen. Greenland§ and John Williams.§

Henry Greenland's bill of cost, as attorney to Capt. Walter Barfoot, 2li. 2s. 8d.

Walter Barefoote|| of Dover, Mar. 23, 1664, gave letter of attorney to his loving friend Henry Greenland. Wit: Tho. Wiggins§ and Samuel Wintworth.§

Job Clements testified that Capt. Barfoote sent this letter of attorney to Mr. Henry Greenland by him. Sworn in court.

†Writ: Anthony Crosbie v. Selectmen of Rowley; for refusing to lay out, or to show if already laid out, sixty-seven acres of land commonly called Rowley village, being the right of an acre and a half lot formerly belonging to Mr. Thomas Nelson and sold by Mr. Dummer, executor to Mr. Nelson's estate, to John Palmer, who sold to John Mighill, and by the latter sold to said Crosbie; dated 23 : 1 : 1664-5; signed by Tho. Leaver,§ for the court; and served by Richard Swan,§ constable of Rowley.

Bill of cost for the town of Rowley, witness fees of James Bayley, John Dreser, James Dickinson and John Brocklebanke, etc., 2li. 18s. 6d.

‡Writ: Mr. Anthony Crosby of Rowley; for not making good the right of three lots according to a deed of sale from Swan to Crosby, namely, two hundred acres, being the right of his father, Swan's own home lot, and the other sixty-seven acres, being the right of one acre and a half lot formerly belonging to Thomas Miller; the other sixty-seven acres belonging to one acre and a half lot formerly, belonging to Thomas Lilford, which land was to be laid out in the tract commonly called the village of Rowley; dated Mar. 25, 1664-5; signed by John Carleton,§ for the court, and served by Stephen Kent,§ constable of Haverell, by attachment of the house and lot of Rob. Swan, all the land adjoining, the frame of a barn and fifteen acres of land on the other side of the highway near his house.

Robert Swan's bill of cost, 2li. 6d.

Deed, dated Feb. 4, 1661, John Palmer|| of Rowley sold to John Mighill of Rowley the right of one acre and a half lot in the village land, which he purchased of Mr. Thomas Nelson's estate, etc. Wit: John Carleton§ and Willia. Lawe.§ On Feb. 4, 1661, John

John Attkinson v. John Godfry. Slander. Verdict for plaintiff.  
 Fran. Wainwright v. Thomas White. Debt. Defendant acknowledged judgment to plaintiff.

Robert Lord, jr. v. Jo. Godfry. Debt.

John Griffing acknowledged judgment to Mr. John Paine.

Mighell\* assigned this deed to Mr. Antoni Crossbee. Wit: John Carleton\* and Ezekiel Northend.\* Acknowledged, Mar. 29, 1665, before Daniel Denison.\*

Copy of deed, taken from Ipswich court files Mar. 1663, made Mar. 23, 1664, by Robert Lord,\* cleric.

Records of the General Court held at Boston, May 22, 1650: that Mr. Richard Dumer of Rowley, executor, had sold to John Palmer of Rowley, on Oct. 20, 1647, one house and house lot lying next to Manning's farm, and three acres of rough marsh near Sandy bridge, two acres of salt marsh, two cow-gates and one-half, etc. Wit: Maxi (his mark) Jewet. Copy of a copy made by Edward Rawson, secretary. The court confirmed Mr. Dumer's right to act for Mr. Nelson's estate in this action, upon request of John Palmer.

Copy of depositions of Samuel Brocklebank and Ezekiel Northend, taken from Ipswich files, Mar. 31, 1663, made by Robert Lord,\* cleric.

Jonathan Plats, aged about thirty-four years, deposed that he viewed the 400 acres, in company with John Pickard, Ezekiel Northend and Abraham Jewet, etc. Sworn in court.

Samuell Brocklebanke and James Bayley testified that they were present when the lot-layers bounded the 700 acres, etc. Sworn, Nov. 10, 1664, before Daniel Denison,\* and Samuel Symonds.\*

John Brocklebanke deposed that at a town meeting the 24th of this present month, the lot layers were desired to go and show Mr. Crosbie his bounds, etc. Ezekiel Northen said he would go, but if Jonathan Plats and Abraham Jewit went, he would not stir a foot. Sworn in court.

Abraham Jewett, aged about thirty years, deposed that Ezekiel Northend said that Pickard was not showing them the right bounds etc. Sworn in court.

Samuell Brocklebanke and John Dreser, sr., deposed that being present winter before last when land was laid out near Heseltine's meadow and Andever line, the lot layers told them that Mr. Nelson's two thousand acres were laid out near that place and that John Dreser's lot bounded upon it. Sworn in court.

James Baly, John Dreser, sr., and James Dickinson deposed that at town meeting John Pickard held that the land was already in Mr. Crosbie's hand, and Abraham Jewet told him he lied and showed signs of great disturbance.

\*Autograph.



Nathaniell Addams acknowledged judgment to Mr. Robert Paine.

John Remington acknowledged judgment to Phillip Nellson and Jerimiah Jewett.

Mathyas Button acknowledged judgment in open court to Mr. Jewett's executors, Mr. Phillip Nellson and Jer. Jewett, in corn and cattle.

John Dow and Thomas Dow acknowledged judgment to Mr. Jewett's executors.

Thomas Joanes of Gloster was released from training, paying a bushel of Indian corn a year to the use of the company if they see cause to take it.

Mr. Henry Greenland, declaring what hindered him from prosecuting his appeal, court accepted it, and ordered him discharged of his bond by payment of five pounds.

Will of Jonathan Witt of Lynn was proved and the executrix was to bring in an inventory to the next Salem court.

Will of Robert Kinsman was proved and inventory brought in. Robert Lord, sr., being named as executor in the will, did not accept it, but in open court renounced it.

John Acie, upon proclamation made and none objecting, was discharged of his bond for good behavior, as were also his sureties.

Anna Aniball, administratrix, brought in an inventory amounting to about 180li., clear estate. Court ordered that the estate remain in her hands for the bringing up of the children, and she was to pay to the eldest son, John Anaball, 20li., and 10li. each to the rest of the children, three sons and three daughters, at age, the land to be security.

Thomas Pinny was released from training, paying a bushel of Indian corn yearly to the use of the company.

Mr. William Steevens and Symon Tompson were released from training, paying 5s. a year to the use of the company.

James Moulton was released from training, paying six shillings a year to the use of the company.

Sargent Porter, having a long time served as sergeant in the company of Salem and now desiring to be discharged, the court left him to his liberty.

John Sorlah had his license renewed to keep ordinary and draw wine and liquors for a year, and Richard Longhorne also.

Capt. Paul White had his license renewed for a year to retail liquors by the quart.

Mr. Moses Maverick had his license renewed to draw liquors for a year.

Moses Pengry, Mr. Baker and Mr. Swett had their licenses renewed for a year to keep ordinary, draw wine and retail liquors.

John Clements of Marblehead had his license renewed to keep ordinary for a year.

Frances Wainwright was licensed to retail strong waters by the gallon.

Andrew Peeters had his license renewed for a year to still and sell by the quart.

The treasurer was ordered to pay to Marke Bachelour, 9s. 7d., and to the widow Anaball, 5s.

Abraham Whiticker, for his contradictory testimony, was ordered to be admonished and disabled for taking any oath for a year.

Daniell Black was sentenced to be whipped or pay a fine.

Martha Dirky, for fornication, was ordered to be whipped unless she bring a note from the treasurer, of three pounds paid to him.

Mr. Henry Greenland and sureties were released, he having been bound to keep the peace.

Daniell Epps, sr., affirmed that hearing of Mr. Vincent's sickness the Lord's day before he died, he went to his cousin Harris' house to see Mr. Vincent, and she told him that said Vincent was a very discontented man, which she thought was the great part of his sickness; that he was like a child, angry with everybody, etc. Deponent said he was probably very sick and weak, but she said it was only two or three days before that he ate as heartily of pork and pease as any man could. Also that that morning he desired to make a will and she told him that her Uncle Symonds was not at home. Deponent went up to see him and when he came to the bedside he asked him how he did and he replied that he might do how he would for all anybody. Deponent asked him why he said that "for knowing my Fathers care and desire of Mr. Vincents being comfortably provided for tould him in my Fathers absence that he might send for anything was to be had in the Towne || upon my accompt || And therefore desired him not to trouble him selfe but assured him that he would be provided for, my Cousen asked me when I came down how he did, I sayed he was a very weake man, my Cousens answered me they did not believe it for if any thing crossed him he would lye and keepe his bed several dayes after, . . . she tould me that he would be very angrie with the Children and call them divells incarnat upon a small occasion, and what a wearisome thing it was to my Couzen Gallope." She

said further that she did not want him there more than a week or a fortnight longer, and he agreed when his father came home to settle the matter. Deponent asked her if there was any wine for him and she said no, for they had a quart of sack in the house and desired deponent to taste of it. Sworn in court.

Harlakinden S[ymonds]\* testified that he told his cousin Harris that it was not because Mr. Vincent was not godly or religious, but he was irritable on account of his weakness and age, etc. Sworn in court.

Thomas Harris deposed that the day that Mr. Vinson signed the will, deponent asked him what was in the will and the letter of attorney he had given, and Mr. Vinson replied that he had given Mr. Simonds power to deal with Jno. Edwards about rent, and that there was nothing but that he could alter when he pleased. He further said that there was no deed of gift except what was in the will, and later desired deponent to make another will for him, but he refused.

Martha Harris and Hanah Gallop deposed. Sworn in court.

John Edwards deposed that he was at Thomas Harris' house about ten months ago and his master Mr. Vincent, with tears in his eyes, said he did not think Mr. Symonds was such a man as he had found him, for he would not let him see the writings. Mr. Vincent sent for deponent and told him not to pay anything to Mr. Symonds, for the latter had too much of his estate already and that he should not get a pennyworth of his estate, but it should go to those who had the trouble with him. He also told deponent to ask Goodman Lord to come to him to make another will. Sworn in court.

Hannah Gallop deposed that Mr. Simons told Goodwife Harris not to let him want for anything, and when she said that nobody but Goodman Bishop would trust them without knowing who was to pay for it, Mr. Simons said, "Why: should I lay it out of my Estate?" At these words Mr. Vincent was so much afflicted in his spirit that he continued sighing and weeping until his dying day. Sworn in court.

John Dane, aged fifty-two years, deposed that Mr. Vincent's grief over what Mr. Symons had done, had shortened his life. Sworn in court.

Daniell Epps deposed that sometime before his mother's death, he was at his father's, and his mother told him that Mr. Vincent had made a will and given all to deponent's father, except 20li. to deponent's sister Martha, 10li. to his cousin Harris and something to Goodman Edwards. They asked Mr. Vincent if he had no relatives to bestow it upon and he said he had but one in this country, not very nearly related, which for reasons of his own he would not bestow it upon, etc. Sworn in court.

Mr. Lake deposed that his brother Symons said to "my daughter" Harris, etc. Sworn in court.

\*Autograph.

Capt. George Corwin, coming into court and demanding ten pounds that he had laid out for the county, court ordered that at the next levy he should be paid.

Mary, wife of Job Bishop, having been convicted of receiving stolen goods from Sarah Roper, converting them to her own use, and being an abettor and encourager of the said Sarah in her several thefts from her master Major Genrll. Denison, court ordered that said Mary Bishop pay treble damages according to law, that she be whipped or pay five pounds, and be bound to good behavior. Mr. Symons was appointed by the court to see the execution performed.\*

Samuell Varnam deposed. Sworn in court.

Nathaniell Piper deposed that Thomas Harris said that he would not keep Mr. Vincent for three times what he was worth, and that he heard said Harris tell his father Stilson, etc.

William Quarles, aged about eighteen years, deposed that being sent to town to Mr. Chute's upon an errand, Goodman Harris took his horse by the bridle as he passed by his house and told him he must go in and help him with Mr. Vincent. Goodwife Harris told him as soon as he reached home to tell her aunt or uncle or cousin Samuell to come, "good-now William doe not forgett itt." Sworn in court. Mistress Rebecka Symonds‡ affirmed that she was informed of Mr. Vincent's death by her son Chute, and knowing that her husband was executor, she and her son Samuell went to town to see about the funeral, and sent a man to assist about the corpse. Cosen Harris brought Mr. Baker to her to order concerning the cake, and the next morning knowing that said Baker wanted butter, he went to her at Mr. Cobbet's where she borrowed some of Mrs. Cobbet. She consulted with sister Lake and cousin Harris, for being a stranger she was not so well acquainted, and they left her to decide. Her cousin Harris said he had had need of shirts, neckcloths and stockings which were provided, and that he had wanted nothing for she mended his shirts and stockings until she could get cloth of a "competent breadth" for him to make him shirts, there being none fit in the town at that time. Her cousin Harris said he asked her to send for Deacon Knowlton, etc. Affirmed also by Samuell Symonds, jr.†

James Chute deposed. Sworn in court.

William Quarles deposed that not long before Mr. Hale married his mistress' daughter, he went to Goodman Piper's, etc. Mr. Vincent said, "you have lost a good mistris; she was a good friend of mine, I have received more kindness from your master & mistris then from any friends I had besides." Sworn in court.

\*Patience Denison testified that while Sarah Roper lived with them, especially the last year, she missed beef, pork, butter, cheese

†Autograph.

Symon Tuttle, being referred back by the Genrll. Court to this court, to determine about his great misdemeanor, was fined and was to be a prisoner until it be paid. His bond for good behavior was taken off.

and poultry. As for the other articles, she knew that they had been taken from her and lost, except the other parcel of linen out of the same box valued at 5s., which she believed said Sarah took from her, also some other new linen or cotton cloth not mentioned in the following list of things stolen by Sarah Roper: A silver spoon, 8s.; a pr. of new stockings, 5s.; taffety stomacher, 2s.; silke lace & buske, 1s. 6d.; a card of Buttons and silke, 3s. 4d.; a bundle of holland containing 4 parcels 1 yd. & 1-2 & better of fine holland cost 12s. 6d. p. yd., 2 above 1 yd. worth 9s. p. yd., 3 1-8 yd. holland worth 8 p. yd., 4 halfe a yd. of fine holland at 12s. p. yd., total, 2li. 5s.; other parcels of linen out of the same box, 5s.; 1 paire of sheetes, 1li. 5s.; Dowlas towel, 2 napkins, 4s.; fine holland cap scolopt, 4s.; quoife, 1s.; a pr. of gloves & knife, 2s.; a cake of castle soape, 1s. 6d.; fine thred, 1s.; Ribbon, tape, thred and other things. Provisions conveyed away, a piece of porke, her sister, 6d.; Beefe & porke suet to Goodwife Bishop, 10s.; Meale and Malt to her, 10s.; Butter to her, 3s.; cheese, 10s.; milke to Goodwife Bishop, 4s.; Beere & syder, 2s.; chicken pies, apple pies & other junketing, 10s.; 9 bushels 1 pecke of wheat proved by Bishop's boy & her own confession, 2li. 6s. 3d.; Indian corne to Rich. Brabrooke, 5s.; wheat to pay for a lace, proved by Goodwife Dutch, 4s.; virtuals dressed, carryed on Sabbath dayes, witness Rich. Brabrooke. Sworn, Feb. 4, 1664, before Samuel Symonds.\*

Sarah Roper confessed that she had 2 bushels of wheate wch. shee payd to Job Bishop's wife for holland; 2 bushel for a paire of shoes received of her this summer; John Brownson brought 2 bushels in the spring; Willm. Durgy saith she brought 2 bushels for a pr. of shoes last michelmas was twelve month; 1 bushel & halfe for lace this spring. Thomas Bishop and his wife, and Willm. Durgy affirmed the same. Sworn, Nov. 4, 1664, before Samuel Symonds.\*

Mary, wife of Samuel Fouslam, affirmed that Sarah Roper took provisions to the wife of Job Bishop, and that Goodwife Smith, sister-in-law to said Job, etc. Sworn, Nov. 18, 1664, before Sam. Dudley,\* Seaborne Cotton† and Symon Bradstreet, jr.\*

Mary, wife of Thomas Hart, jr., deposed that when Goodwife Bishop lay in with her last child, she had beer in her house all the time that deponent was there, etc.

Sarah Roper confessed that she took a pair of red stockings out of her mistress' chest, also a silver spoon from the dresser, etc. Sworn before Edward Rawson,\* secretary.

Mary, wife of Robt. Dutch, aged about thirty-six years, deposed that about three years ago when Sarah Roper lived at Major Genll.

\*Autograph.

Samuel Hunt was released of his bond for good behavior and was restored to freedom.

William Neff of Newbury, did not appear, and his bond was declared forfeited.

Dennison's, she saw her at Tho. Bishop's shop take a piece of lace for a dressing and promised to pay in wheat. Sarah further called her mistress "old Jew & hobling Joane." Sworn, Nov. 25, 1664, before Simon Bradstreete.\*

Mary Dutch, aged between twelve and thirteen years, deposed.

Grace, wife of Will. Hopkins, deposed. Sworn, Nov. 25, 1664, before Simon Bradstreete.\*

Petition and confession of Mary Bishop: That she had had too much familiarity with Sarah Roper, that she had drank cider at the well with her and once at the Maj. Genll's house, that she had had milk of her when she did not have enough for a posset, that she had some pitchers of beer of her before said Mary's brother came to the town, and some apples for the children and suet for a pudding; that she had given Sarah mackerel, which she said they did not have at the Maj. Genll's. She besought clemency on account of her lonely condition, although she did not deserve it, etc.

Martha, wife of John Smith, deposed that Mary Robey, who had lived near a year with the wife of Job Bishop, was with deponent a week and lamented living with said Bishop saying that she thought they would starve on account of scanty diet had not Sarah Roper helped them with provisions. That the latter had almost been taken when she had set the piggin of malt in the wood and John came to cut wood very near it, and that Goodwife Bishop was continually asking said Roper to bring things, etc. Sworn, Nov. 25, 1664, before Samuel Symonds.\*

Shoreborne Wilson and Abigal, his wife, deposed. Sworn, Nov. 25, 1664, before Samuel Symonds.\*

Simon Bradstreete\* and Samuel Symonds\* certified that Mary, wife of Job Bishop had bound herself, etc.

Abigail, wife of Shoreborne Wilson, deposed that last winter she lived at Job Bishop's, and the latter's wife roasted a joint or two of meat for the Major, Sarah Roper bringing butter with which she basted it, etc. Sworn, Nov. 25, 1664, before Samuel Symonds.\*

John Brownson, aged almost sixteen years, deposed that he had carried provisions to different persons for Sarah, etc. Sworn, Nov. 24, 1664, before Simon Bradstreete.\*

The examination and confession of Mary, wife of Job Bishop: That Sarah brought her pork once when the latter's master and mistress had gone to Andover, etc. Sworn, Nov. 25, 1664, before Simon Bradstreete.\*

\* Autograph.

John Liegh, jr., being enjoined to appear and defaulting, court fined him ten shillings for contempt.

Henry Bennett and John Leigh, jr., being sureties for James Sanders, and the latter appearing, were discharged.

Given to the house five shillings.

Court adjourned to Apr. 27 next.

Apr. 6, 1665:—

Thomas Bishop came before the Worshipfull Mr. Samuell Symonds and undertook the payment of Mary Bishop's fine.

Mary, wife of Job Bishop, acknowledged a bond for good behavior before the Worshipfull Mr. Samuell Symonds. William Smith, surety.

#### COURT HELD AT SALISBURY, APR. 11, 1665.

Grand jury: Rich. Wells, foreman, Edward Frend, Will. Osgood, Tho. Barnard, sr., Jno. Stevens, sr., Bartholemew Heath, Wm. White, Abraha. Pirkins, sr., Anthony Stanian, Tho. Ward, Jno. Samborn, Jno. Brown, Ralf Hall, Lt. Phillip Challis,† Wm. Buswell,† Henry Palmer† and Christo Palmer.†

Jury of trials: Georg Goldwyer, Andrew Greely, Willi. Buswell, Sam. Foot, John Redman, foreman, Henry Green, Robert Smithe, Tho. Dearborn, James Pecker, Joseph Davis, Nicholas Smithe, James Kid, Henry Robie, Nath. Boulter, Jno. Hutching, Steven Kent, Jno. Stevens, sr.,† John Hoyt, sr.,† Henry Palmer† and Tho. Davis.†

Civil cases:—

Jno. Godfrey v. Willi. Symons. Debt. To be paid in wheat and Indian corn. Verdict for plaintiff. Court accepted the verdict.

Capt. Pall White v. Hugh Sharratt. Debt. Joseph Davis, attorney of Hugh Sharrat, acknowledged judgment to Capt. Pall White of Nubery, before Tho. Bradbury, rec.\*

Jno. Swadock v. Wm. Deale. Debt. Of wheat and Indian corn. Plaintiff affirmed that it was defendant's hand and seal to the bill sued for. Verdict for plaintiff.

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\*Writ, dated Mar. 26, 1665, signed by Anthony Somerby,† for the court, and served by Stephen Kent,† constable of Haverell.

† Crossed out.

† Autograph.

Jno. Hutchins and Joseph Davis, attorney to Tho. Davis, acknowledged judgment to Capt. Pall White of Nubery.\*

Jno. Young v. Israell Wite. For withholding pay for eleven hundred and a half of pine boards and for work done for said Israell Waite. Nonsuited.†

Ralf Hall v. Jno. Neale. Debt. To be paid in good, neat cattle, beef or pork, a mare and colt. Defaulted.

Walter Tayler v. Tho. Nicols. For refusing to satisfy him for damage done by swine in his corn. Verdict for plaintiff. The jury declared in open court that they found damage upon all the swine, both Nicols and Ed. Goes. Court did not concur.

Robert Ring v. Town of Salisbury. For not giving him reasonable satisfaction according to agreement with Jno. Severans, the town's attorney, made Aug. 31, 1663, concerning judgment granted to said Ring by the Salisbury court in 1663, against the town, for not laying out to him his division of salt marsh in the first higledee pigledee lots, nor performing the award of the arbitrators, that is, Mr. Symonds chosen by the town, and Mr. Woodman by said Ring, as by order of said town and said Ring's proposition appeared. Verdict for plaintiff, the marsh in controversy. Court did not concur.

Edward Colcord v. Christopher Palmer. Trespass. For mowing his meadow near the beach, which was sometimes Willi. Wakefeild's, and claiming it as his own. Verdict for defendant.

Edward Colcord v. Joana Tuck and Jno. Samborn, administrators of the estate of Robert Tuck, late of Hampton. Review of an action tried at Hampton court, 3 : 8 : 1654, concerning a debt for pipestaves paid to Mr. Willi. Payne. Withdrawn.

Ed. Colcord v. Christopher Palmer. For cattle and for work done by Jonathan Colcord, his son, and shoes delivered to him. Withdrawn.

\*Writ: Capt. Paule White of Newbery v. Tho. Daivis, John Hutchins and Daniell Hendriks; debt; dated Mar. 21, 1664-5; signed by John Carleton,† for the court, and served by attachment of the persons of Tho. Davis and John Huchins and of the house and orchard of Danniell Hendrick.

†Bill of costs, for a voyage from Hampton to Exeter and to Mr. Hilton's, for a voyage to Quomscoote, for a witness coming from Swanscot and going back, three days, etc.

† Autograph.



Edward Colcord v. Nath. Boulter. Trespass. For felling and carrying away the timber from off his land near the Mill Brook in Hampton, which land was sometime Wm. Howard's. Special verdict found. Court found for the defendant.

Ed. Colcord v. Henry Roby. Trespass. For planting certain land of his, lying near defendant's house, without plaintiff's license. Special verdict found. Court found for defendant.\*

Capt. Pendleton v. Mr. Richard Patteshall.

Capt. Bryan Pendleton v. Isaac Cosens.

Jno. Samborn v. Wm. Fiefeild. Slander. For saying he had taken a false oath and for defaming him in several places. One half of the entry of this account was remitted.†

Christopher Palmer v. Edw. Colcord. For endeavoring to nullify or make void a certain mortgage in writing under hand and seal, by which defendant engaged certain parcels of land to plaintiff's heirs upon consideration of non-payment of 26li., as by the said deed appeared. Withdrawn.

Christopher Palmer v. Edward Colcord. For not making good three parcels of land according to an engagement under his hand and seal, bearing date Mar. 16, 1660-61, whereby defendant had agreed to make good to plaintiff the lands upon non-payment of the 26li. Verdict for defendant.

Christopher Palmer v. Humphrey Wilson. For not satisfying him for four loads of hay, which he had off from his meadow in Hampton, near the beach, which meadow was sometime Walter Roper's, and which hay was brought by defendant or his order in the winter of 1661. Withdrawn.

Tho. Davis, or his attorney v. Jno. Hutchins. Concerning the general accounts between plaintiff and defendant about the saw mill at Haverhill, which stands upon the little river by Steven Kent's lot, of which mill Jno. Hutchins is third owner. The jury

\*Abraham Perkins, sr., deposed that some years since Tho. King had a judgment against Edward Colcord, and deponent levied an execution upon the land in controversy, but soon after said Colcord notified deponent to let the execution fall, etc. Henry Roby was one of the appraisers of the land. Sworn, 11 : 2 : 1665, in Salisbury court.

Bill of costs in foregoing action, Henry Roby, Samuella Dalton and Samuella Roby mentioned.

†Writ, dated 18 : 12 : 1664, signed by Samuella Dalton,‡ for the court, and served by Thomas (his mark) Loufet, constable of Hampton, by attachment of house and ground of defendant.

‡Autograph.

finding it very dark, there was a proposition made in court for reference, and the parties agreed as follows: that the matters now in question and all other differences between them were referred to Mr. Bradstreet, Mr. Joseph Hill and Capt. Pike, and if they do not make good the award, execution should proceed, as if it had been so judged in a court of judicature. Tho. Bradbury, rec.

Steven Kent v. Robert Swan. Trespass. For making a fence upon plaintiff's land, the title of the land being intended which he had fenced in. Verdict for plaintiff. Appealed to next Court of Assistants.\*

Sam. Winsley was sworn constable for Salisbury for the year ensuing.

Mr. Henry Dering was licensed to keep the ordinary for the town of Hampton, and to sell wine and strong waters by retail.

Willi. Buswell was sworn clerk of the market for Salisbury for the ensuing year.

Mr. Jno. Gillman and Lt. Ralfe Hall were chosen and sworn to end small causes for Exiter for the ensuing year, Tho. King was sworn constable and Mr. Jno. Gillman, clerk of the writs.

Capt. Pike, Capt. Bradbury and Rich. Wells took the three men's oath for Salisbury for the ensuing year, Wm. White for Haverhill, Tho. Ward for Hampton and Mr. Edward Hilton for Exiter.

Jno. Huggins was appointed administrator of the estate of Jno. Legatt, deceased, and was ordered to bring in an inventory to next Hampton court.

Edward Colcord was freed from the court order of 8 : 8 : 1661, which restrained him from commencing any suit against any man without giving security to discharge defendant's charge, all except the actions commenced at this present court.

Israell Wight was appointed administrator of the estate of Tho. Wight, formerly of Exiter, and was ordered to bring in an inventory to the next Hampton court.

Nathaniell Weare was appointed administrator of the estate of Francis Swain, deceased, and was ordered to present an inventory.

\*Writ: Steven Kent, assignee of Robert Swan, the assignee of Tho. Dow v. Steven Dowe; dated 1 : 1 : 1664, signed by Tho. Bradbury,† for the court, and served by Edward Clarke,† constable, by attachment of land of Steven Dowe of Haverell.

Robert Swan's bill of cost, 2li. 2d.

† Autograph.

Georg Brown was sworn constable of Haverhill for the ensuing year.

Jno. Godfrey was fined for excessive drinking.

Batt. Heath was sworn appraiser for the town of Haverhill.

Jno. Severans was appointed administrator of the estate of Isaac Jones, late of Salisbury, deceased, and was ordered to present an inventory, and to pay only for the present the funeral charges, physic and diet.

Whereas the court was informed of great misdemeanors which had lately been committed by several of the new town at the house of Jno. Colby, they sentenced as follows: Nath. Barnard, for fighting, railing and dangerous threatening, Walter Taylor testifying that he was in fear of his life on his account, was fined and bound to good behavior;\* Mary Colby, for bold and uncivil carriage in pulling Walter Tayler's cap off his head, and pulling him off from his seat backward, was fined; Sam. Colby, for abetting Nat. Barnard, was fined; Jno. Colby, for cursing and suffering such miscarriages in his house, was fined, and warned not to entertain men's sons and servants without leave of their parents or masters; Walter Tayler, for railing, excessive drinking and striking Ed. Cottle's servant, was fined and bound to good behavior.

Nath. Barnard and Jno. Colby bound for said Barnard, and Walter Tayler also bound.

Several Exiter men, complaining of the necessity of a bridge over their river for the use of the country, court appointed Sergt. William Titecumb of Nubery, Richard Currier of Salisbury and Wm. Fuller of Hampton to view and determine the same according to law, page 6, in August next.

Hugh Sharratt's license to keep the ordinary for Haverhill was renewed for one year.

Allowed for the use of the room for the court's sitting, 10s., and to the servants of the house, 5s.

Division of the estate of Robert Tuck of Hampton, late deceased, who died intestate: that the estate remain in the hands of the administrators for the use of the widow, and at her death, to be

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\*Summons, dated 11 : 2 : 1665, to Tho. Sargent to appear as a witness in the complaint against Nathanel Barnard, signed by Tho. Bradbury,† for the court. Hennon[y] Browne† constable of Salisbury, appointed Edward Cottle his deputy.

† Autograph.

divided equally among the three children, Robert Tuck, Elisabeth Sherbourn and Mary Sambourn, and the grandchild, Jno. Tuck, son of Edward Tuck, provided the land that belonged to the grandchild which was given by said Robert to his son Edward shall be valued with the rest of the land that said Edward died possessed of, and none of the land to be sold without the court's consent.\*

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\*Inventory of the estate of Robert Tucke, appraised, Nov. 17, 1664, by Robert (his mark) Page and Tho. Warde:† The houses, barne, homlott wth. ye Comonage, 100li. 10d.; Six acres of meadow on ye mill brooke, 3li.; Six acres of meadow & nine acres of Salt marsh by Gouges wigwam, 50li.; 40 acres upland joyning ye above meadow, 40li.; five acres salt marsh over ye falls River ag<sup>t</sup> y<sup>e</sup> clambanke, 5li.; Salt marsh yt was sometimes Eliakim Wardals taken by execution, 10li.; Six Cows, 4li. 10s. p. cowe & one Heifer, 4li., 31li. Two young beasts under 2 years old, 5li.; Two calves, 3li.; one old Horse & one three year old mare, 12li.; six small shotes, 4li. 10s.; In ye parlor, one feather bed & bolster, one payer sheets, one payer blankets, one rugg, one pillow & pillow drawer, beadsted, Courttains & vallance, 10li.; One Court Coubard, 2 chayers, 3 Cushins, one table, one foorme with Cubbard cloath & carpet & one frame chayer, 3li. In ye outward chamber, one feather bedd, one payer of blankets, 2 bolsters & bolster case & Rugg, 5li.; one table & forme, 6s. 8d. In ye inner chamber, one downe bedd, one bolster, one Rugg, two pillows, one boulster case & bedstedd, 7li.; one feather bedd, 2 boulsters, one boulster case, one blankett, one Rugg, one bedstedd, 6li. 10s.; two old chests, 5s. In ye leantoo, one feather bedd & boulster, 1 rugg, 2 blankets, 1 pillow, 5li. In ye little parlor, 1 feather bedd, 2 bolsters, 2 pillowes, 1 blanket, 1 coverlet, 9li.; one table, one Carpett, one small settle, 15s.; one copper & a copper kettle & one brass skillett, 10li.; one copper kettle, 1 bras kettle, 1 warming pan, 3 brass skilletts, 2 brass panns, 1 great brass candlestick, 1 smal bras candlestick, 2 brass ladels, 1 scummer, 3li. 5s.; one payer of Andyrans, 1li.; two Iron potts, one Iron skillett, 2 payer Tramells, 1 spitt, 1 iron dripping pan, 2 payer pott hookes, 1 gridyron, 1 flesh forcke, 2li. 5s.; 10 peuter dishes, 2 basons, 2 plates, 3 butter dishes, 4 porringers, 2 chamber potts, one Saucer, 5li. 6d.; five quart potts, 2 pint potts, one half pint pott, 2 jills, one half Jill, 1 peuter Tanker, 4 wine cupps, 2 beere cupps, two Saltes, 2 dram Cupps, one Cullinder, 3 lattin panns, one Lanthorne, 1li. 6s.; two axes, one hatchett, 1 muskett, 2 payer doggs, 1 saw, 2 Howes, 2li.; two payer of fine sheets, 3li.; fower payer of Sheets, 6li.; 8 board clothes, one dozen of napkins, 4li.; one pillow case & one Towell, 5s.; one cheese press & darie Lumber, & beere caske wth. a table in ye kitchin & three Chayers

† Autograph.

Court ordered that there shall be a county rate made to pay Jno. Severans' charge in entertaining the present court, and all else due him to be paid within eight weeks from the end of this court.

Jno. Ilsly, jr., presented for abusing Rich. Wells, was fined.

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wth ye Lumber, 3li.; all his clothes, 7li.; total, 385li. 17s. 2d. Copy taken from the Norfolk county records by Tho. Bradbury, † rec.

Execution, dated 15 : 8 : 1664, against John Hutchins, to satisfy judgment granted Thomas Davis at Salem court, Apr. 14, 1663, signed by Tho. Bradbury, † rec., and served by Abraham Drake, † marshal of Hampton.

Thomas (his mark) Davis and James Pecker, † both of Haverhill, Oct. 13, 1664, acknowledged a debt to Capt. Brian Pendleton of Portsmouth, merchant, to be paid in clean, good corn at the now dwelling house of said Pendleton. Wit: Robert Pike † and Tho. Bradbury. † Acknowledged, 11 : 8 : 1664, at Hampton court.

Oct. 13, 1664, found in Booke 5, folio 44, the whole debt to be 30li. 10s. 4d. Whereof recd. in red oake heading, 1li. 1s. 8d. & p. a noate from Andrew Wiggin, 3li. 5s., p. Roger Shaw, 15s., in the same folio & in shaken Cask. †

Rich. Currier, aged about forty-seven years, deposed that he was servant to Mr. Fran. Dove when the division of the land in controversy was made, and he and another servant, Thomas Macy, the latter agent for his master, mowed it, said Macy saying that the bounds were marked by a pine tree on the beach, and he mowed at the head of the dead creek. Goodman French's sons mowed land of his master Dove's and they told deponent that said French had bought it of Mr. Hauls, etc. Sworn, 12 : 2 : 1664, at Salisbury court.

Writ: William Marston, sr. v. Joseph Merry; debt for goods; dated Apr. 6, 1665; signed by Samuell Dalton, † for the court, and served by Abraham Drake, † marshal of Hampton, by attachment of house of defendant.

Nathaniel Barnard and Samuel Colby deposed that they were at the house of Heaniry Sawers and they read the court order to widow Palle, concerning a division of land between widow Payle and Thomas Barnaar, jr., and she refused, etc. Sworn, 11 : 2 : 1665, at Salisbury court.

Christopher Hussey, † Thomas Maston † and Nathaniell Bachillar, † having been appointed by the selectmen of Hampton to view and appoint a convenient place for a highway over Exeter Falls river, determined, Oct. 25, 1664, that the most meet place was between four or five rods distant from the head of the dam of the old mill.

† Autograph.

‡ This paragraph is written on the reverse of the foregoing paper.

Jno. Severans was licensed to keep the ordinary for Salisbury for the ensuing year.

Jno. Ilsly, jr., presented for inhumanly abusing Jno. Dickison, jr., was fined and to acknowledge in open court that what he did was sinful and shameful. He made acknowledgment.

COURT HELD AT IPSWICH, APR. 27, 1665.

Henry Spencer confessed in court that he ran away from his master, Edmond Mounforth, and stole from him a coat, a piece of serge, 2 Bibles, a rapier and belt, a pewter bottle and a piece of linen cloth, and being at Andover at Goodman Chandlour's, he broke into said Chandlour's house twice and stole a horse and saddle. After being apprehended and brought to Ipswich prison, he broke prison. He was ordered to be severely whipped, branded on the forehead with the letter B, and pay a fine of five pounds to the county, and to his master, treble damages, amounting to thirteen pounds, and forty shillings to his master for loss of time. Further ordered that upon his master paying the fine, he should be sent to Boston prison, there to remain until his master can dispose of him. In the meantime, he was to be kept in Ipswich prison.

John Palmer, for his high misdemeanor in attempting uncleanness with Elizabeth White in her master's house, was ordered to be severely whipped and to pay costs to Mr. Epps.

John Pickerd, presented for taking bolts and none appearing to own the bolts, was respitted until next court. If no one owned them, he was to be discharged.\*

John Kent was ordered to be whipped or to pay a fine for fornication.†

John Cale's presentment was left to the next Ipswich court.‡

Joseph Leigh was bound to answer about the sow at the next Ipswich court. John Leigh, sr., his father, bound for him.

\*Rowley presentment. He took cedar bolts from a camp. Wit: Johnathan Hopkenson, Joseph Chaplin and Samuell Palmer.

†John Kente of Nubery and his wife, living with Richard Kent, were presented.

‡John Cale and William Niff of Nubary were presented for taking up a horse of John Aslit's of Andover and delivering him to John Tod of Roule for his horse. Wit: John Tod and John Aslit.

The constable of Topsfield returned that Mr. Perkins was not at home and could not be summoned to answer his presentment.

John Cheny, presented for reviling speeches, was fined.\*

Robert Morse and Susana Rogers, presented for reviling words, were fined.

John Leigh, jr., was fined for threatening words against Sam. Younglove.†

John Sanders was ordered to pay treble damages for stealing an ax from Tho. Manings, and John Leigh, as accessory, was fined.

James Sander was fined for stealing a beetle from Sam. Hunt, for stealing seven posts from Mr. Sam. Rogers, and a sow from Willm. Downeing.‡

Tho. Johnson was allowed charges in Henry Spencer's action.

Gabrill Collings of Gloster dying intestate last winter, an inventory of his estate, amounting to 6li. 16s. having been brought into the last Ipswich court, but no administration asked for, court granted administration to John Collings of Gloster, one of the creditors.

\*John Chany, jr., of Nubare, presented for threatening the children of James Mirack that he would knock their brains out if they came upon his ground, and for calling his wife vile names, etc. Wit: James Mirick, Margret Mirick, Joseph Musey and Robert Morse.

Presentments, dated 28 : 1 : 1665, signed by Abraham Toppan,§ in the name of the rest:—

John Lea, jr., and Joseph, his brother, presented for stealing a parcel of posts from Samuell Rogers.

“Alen Perley Gave his 4 sonnns all the land they are post. of beyond The 3 take liberty & 21. Jo. Tho.: & Sam. have the 3 pts. of the Land beyond Bachelours brooke exsepte gr<sup>t</sup> meddow & all that was Nath: to my 2 daugh. sara & martha. To Timothy the house & all the land on this syd Bachelours brooke the gr<sup>t</sup> meddow to Timo att 23 only his mother a roome & household stuffe as long as she live & cattle liveing with 7li. a ye. Susan his wife executrix.”

† — — testified that when Samuel Yonglove delivered his colt to Joseph Lee, Goodman Rest and deponent were present and saw John Lee stand within the innermost door with a naked knife in his hand and bade him get out of the house, etc.

‡John Downy, aged about twenty-two years, deposed that John Lee and James Sanders came with the cart when they brought those five holed posts which Samuell Rogers challenged to be his posts. Sworn, Mar. 25, 1665, before Daniel Denison.§

§ Autograph.

## COURT HELD AT SALEM, 27 : 4 : 1665.

Judges: The Worshipfull Mr. Symond Bradstreete, Major Dan-yell Denison and Major Will. Hathorne.

Jury of trials: Capt. Tho. Lothrop, Will. Browne, James Browne, John Gedney, John Buttolls, Frances Skery, John Putnam, Tho. White, John Fuller, Tho. Farrer, Will. Crofts and Joseph Mansfield.

Civil cases:—

Mordecaie Craford v. Capt. Tho. Savage. For several goods not accounted for and errors upon account. Withdrawn.

Mordecaie Craford v. Capt. Tho. Savage. Review of an action tried at Salem court, 30 : 4 : 1663, upon balance of accounts. Withdrawn.

Mordecaie Craford v. Capt. Tho. Savage. For repairing, trimming and charge laid out upon the bark Content, etc. Withdrawn.

Symond Crosby v. Henry Roads. For refusing to deliver or make satisfaction for an ox valued at 7li., which defendant obtained as a stray from Mr. Purchas. Verdict for plaintiff.\*

\*Writ, dated 21 : 4 : 1665, signed by John Fuller, † for the court, and served by Nehemiah Jewet, † deputy for Samuell Archard, † marshal of Salem, by attachment of land of defendant that lay next to Jno. Fullar's.

Symon Crosby's bill of costs, going to Brantry, etc., 4li. 13s. 8d.

Nathanill Hanford, aged fifty years, and upward, and Andrew Mansfield, aged forty years and upward, deposed that they went to the Iron works to see the ox in Mr. Purchas' pasture and he was so thin that he was hardly fit to kill for meat, etc. Sworn in court.

Wm. Flinte, aged sixty-two years, and Jno. Reives, aged about thirty years, deposed concerning the earmarks, etc. Sworn in court.

Joseph Crosby, aged twenty-five years, deposed that he was present when Gregory Belshar delivered Simon Crosbey of Bill-recay a steer. Word was sent to deponent at Brantrey, etc. Sworn in court.

Gregory Belshar, aged about sixty years, deposed.

Oliver Purchis, aged about forty-eight years, deposed that in 1663, a steer frequented the barn and yard at the Iron works, and he asked the herdsman, etc. Mr. Rhoads said the ox he had lost had been branded by his sons, etc. Sworn in court.

Eliezer Rhodes and Joshua Rhodes, deposed concerning the condition of the bullock which their father had killed, etc. Sworn in court.

† Autograph.



Mr. Phillip Cromwell v. Parnell Bartoll, administratrix of the estate of John Bartoll, deceased. Debt. Withdrawn.\*

Richard More, aged about fifty years, deposed.

Nehemiah Jewet† and Oliver Purchis† certified as to the value of the ox.

Nehemiah Jewett, aged about twenty-two years, deposed. Sworn in court.

Jno. Burrel, aged about thirty years, deposed. Sworn in court.

William Wilson, aged about thirty years, deposed concerning the marks. Sworn in court.

Jno. Collens, aged about thirty years, deposed that Symon Crosby, who was a stranger to him, came to him when he was constable, etc. Sworn in court.

\*Writ, dated 20 : 4 : 1665, signed by Hillyard Veren,† for the court, and served by Samuell Archard,† marshal of Salem.

Francis Simson,† aged fifty-five years, deposed that in 1653, Edmon Nicklson received of John Bartoll, sr., of Marbled merchantable cod fish, which was for deponent's use, due to him, Sept. 2, 1664, from Philip Cromwell. Wit: Joseph Bond† and Elebth Bond.†

William Lightfoote, aged about thirty-three years, deposed that he was present when his father-in-law, John Bartoll, reckoned with Mr. Phillip Cromwell, and accounts were balanced, except for six pieces of beef and concerning a cow, etc. Sworn, 23 : 4 : 1665, before Wm. Hathorne.†

John Codner, aged about forty years, deposed that he was at Capt. Corwine's in Feb., last, to have an agreement between deponent's mother and Cromwell, etc. Sworn, 23 : 4 : 1665, before Wm. Hathorne.†

John Peach, sr., deposed. Sworn in court.

Salem, Apr. 14, 1665, John Bartle of Marblehead, is debtor, June 22, 1652: To balance, 8li. 3s.; pd. Thomas Cromwell, 2s.; more, 8s.; beefe, 3s. 9d.; 7 1-2 li. beefe, 2s. 5d.; 15 1-2li. beefe, 5s. 2d.; 11li. beefe, 3s. 9d.; Turnips, 8s. 6d.; June, 1653, to Rich. Whitman, neck veale, 1s. 8d.; brest veale, 1s. 2d.; Jno. Devorix in fish, 2li. 9s.; Walsingam Kilson in fish, 15s.; 9li. beefe, 3s.; beefe, 1li. 9s. 12d.; Bullock's head, 3s. 6d.; beefe, 1li. 8d.; mutton, 3s. 8d.; 1-4 beafe, 18s. 6d.; 1-4 mutton, 5s.; 1 side Leather, 1li.; brest & neck mutton, 2s.; beefe, 8s. 6d.; shoulder mutton, 1s.; beefe, 2li. 6s.; Bullock's tongue, 1s. 6d.; 1-4 mutton, 4s.; Robert Knights, 1li. 17s.; beafe and tongue, 3s. 6d.; beefe, mutton and beefe cheeke, 8li. 10s. 4d.; beefe and tongue, 8li. 12s. 8d. Creditor: June, 1652. Capt. Corwine, 6li.; Rich. Gardner, 3li. 6s.; hyde 33li., 8s. 3d.; hyde, 11s. 3d.; Capt. Corwine, 29li.; fish, 3li. 5s.; money, 3li. Copy made by Hillyard Veren,† cleric.

† Autograph.

William Basset, assignee of Joseph Armitage v. Samuell Bennett, sr. Withdrawn.\*

John Godfery, attorney of John Tod v. Will. Nicholls. Review of an action tried at Salem court 9th month last. Jury found no ground for action.†

Robt. Leach was sworn constable for Manchester.

John Peeree was sworn clerk of the train band for Gloster.

Henry Silsby and Tho. Browne were sworn constables for Lyn.

John Godfery v. John Todd. For employing him as his attorney the last Salem court to prosecute Will. Nicholls, and agreeing to save him harmless. Verdict, that if plaintiff's action was legal, they found for the plaintiff. The bench gave judgment in plaintiff's favor.‡

\*Writ, dated May 27, 1665, signed by John Fuller,§ for the court, and served by Thomas Wheeler,§ constable of Linn, by attachment of salt marsh.

†Writ, dated June 19, 1665, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich, by attachment of the meadow.

John Nichols, aged about twenty-four years, Leddyah Nichols, aged about twenty years, Hannah Nichols, aged about eighteen years, and Isack Burton, aged about eighteen years, deposed that Wm. Nichols tendered his pay in corn, cattle and swine, and Godfery refused it. Sworn in court.

Letter of John Todd,§ dated Rowley, June 1, 1664, to Goodman Nickols, his loving friend, requesting him to pay 50s. to John Godfrey, with interest.

William Nichols' bill of costs.

John Ramenton, jr., testified. Sworn in court.

Copies of depositions of John Kitching and Robert Lord, marshal, taken in court 1 : 10 : 1664, made by Hillyard Veren,§ cleric.

John Remengton deposed that John Godfry hired him to go with him to William Nichols of Salem and they talked from sunset until the sun was an hour high in the morning, etc. Sworn, 23 : 4 : 1665, before Simon Bradstreete.§

‡Writ, dated June 16, 1665, signed by Daniel Denison,§ for the court, and served by Robert Lord,§ marshal.

John Godfryes bill of costs, 2li. 5s., and his charges in Nichols' action, 4li. 6d.

John Remintun testified that Tod charged Godfree to take nothing of Nickkeles but pork, bacon and wheat. Sworn in court.

Summons, dated June 26, 1665, to Hanah Nicolls and Thomas Wilkins, as witnesses, signed by Robert Lord,§ for the court.

§Autograph.

Zacheus Goold v. Richard Swan, constable of Rowly. Review of an action tried at the last Ipswich court. Verdict for defendant. Court did not accept the verdict.\*

Copy of letter of attorney made by Hillyard Veren,† cleric.

\*Writ, dated June 16, 1665, signed by Robert Lord,† for the court, and signed by Robert Lord,† marshal of Ipswich.

John Pickat and Ezekel Northen deposed that Zacheus Gould and others bought land of Joseph Juat, late of Rowly, called Rowly Village land. Said Gould had one lot bounded by Fishing brook on the east and north to Andever line, and by the Governor's farm and Ipswich river on the south to a tree on the turn of the river and Price's meadow, and from there to the eight mile tree near Andover bounds, etc. Sworn, Apr. 3, 1662, before Daniel Denison.†

Copies of writ to replevin Zacheus Gould, distrained by the constable of Rowley, the return of the constable, Isaack Estey, the records of Ipswich court in this action, receipt for Gould's country rates for 1664, and of the depositions of John Pickard and Ezekiel Northend taken 29 : 1 : 1664, all made by Robert Lord,† cleric.

Jeremiah Elsworth and Richard Swan, deposed that there was a country rate ordered and Gould's land was included, etc. Copy made by Robert Lord,† cleric.

Thomas Howlett of Ipswich deposed that, being desired by Rowley men, he helped lay out the three hundred acres that Mr. Paine bought of Capt. Patrick, the latter having received it from the General Court. Mr. Paine exchanged it with Rowley men, and this is the land upon which Zacheus Gould and John Gould now live. Copy made by Robert Lord,† cleric.

Tho. Houlitt, sr., aged about sixty years, deposed that the five hundred acres in Mr. Endicoot's farm, with these three hundred acres of Gould's, he laid out, etc. Sworn in court.

Mr. John Putman, aged about thirty-six years, and John Gould, aged about twenty-eight years, deposed that they saw the General Court order signed by Mr. Rason for Ensign Howlit and Corporall Gage, of Ipswich, and also the deed from Joseph Juit's executors to Zacheus Gould. Sworn in court.

Copy of the General Court order, Sept. 3, 1643, signed by Edward Rawson,† secry., granting to Ipswich inhabitants, who for more than two years had supported preaching there, the right to form a settlement, Mr. John Endecott, Mr. Bradstreet, Mr. Symonds, Mr. Whittingham, Mr. William Payne and Mr. Robert Payne to perform the same, etc.

John Wiles, aged about forty-six years, deposed that about twenty-one years ago, etc., Gould's farm adjoined another farm

† Autograph.

Mr. Peeter Duncan v. Osmund Duch. Debt. Verdict for plaintiff.\*

Capt. Tho. Savage v. Mordecaie Craford. Verdict for plaintiff, possession of the house and land.†

also granted Mr. Wm. Paine by the town of Ipswich, etc. Sworn in court.

Willm. Howard, aged about fifty-six years, deposed that sixteen years ago Zacheas Gould possessed the house that he now lives in and the land which was often called Mr. Pattrick's farm. Also that Gould had paid toward the ministry at Topsfeild village for many years, etc. Sworn in court.

\*Writ, dated June 10, 1665, signed by Edmund Clarke,‡ for the court, and served by Thomas Millet,‡ constable of Gloucester, by attachment of defendant's fish on the rock at Goodman Elwell's stage.

Peter Duncan's bill of charges, £19. 6s.

Gloucester, Dec. 10, 1662, Osman Duch is Debtor:—Mar. 27, to balance, £7. 9s. 9d.; Sept. 20, 1663, to 12 3-4 yds. osenbridge at 22d. p., 10 1-4 yds. lockram, 19d. p. yd., 1-4 yd. yellow Tamy, 8d., 1 yd. Blew linen, 3s. 4d., £2. 3s. 4d.; Sept. 24, 7 3-4 yds. read Cotten at 4s. p. yrd., £1. 11s.; Sept. 25, 2 1-2 yds. sarge, 16s. 3d.; Oct. 20, 2 bushels wheate, 10s.; sugar, 1li. 9s.; Jno. Pearce for 1 hogge, £1. 15s.; Nov. 27, Thomas Millett, sr., for corn, £2. 15s.; 2 p. Shooes, 11s.; 2 yds. Kersey, 17s.; Phillip Staynewood for Beefe, £3. 7s.; 1 pecke pease, 1s.; Nov. 28, 1-2 bushell pease, 2s.; 1 bush. wheate, 5s.; corne, 8s.; Nov. 29, Jno. Gidney paid for you, £4. 16s. 8d.; Cotten & wine and canvas, 5s.; Jeffery Parsons, £13. 6s.; 1 bush. wheate & 1 yd. Cotten, 9s.; Dec. 9, wine, 1s. 4d.; Dec. 12, Bisquite, £1; 215 C. porke at 4d. p., £3. 11s. 8d.; Dec. 28, 1 gaffe, 6d.; Feb. 10, 4li. Cotten woole, 4s.; Hen. Muddle, £1.; Apr. 16, 2 yd. sarg, 13s.; June 3, Bisquite, 5s.; wheat pd. the Constable, 6s. 11d.; June 6, 1 1-2 bushel pease, 6s.; wheat & malte, 2s. 6d.; total, £36. 7s. 2d. Duch is Creditor:—June 12, By 4 quantalls fish, £3. 4s.; Nov. 12, 5 Barrells mackrell, £6. 5s.; Nov. 12, 4 Barrells more, £5; June 12, 1664, By Richard Eagres, £1. 10s.; 1 quantall fish, 16s. 6d.; June 12, 1665, 1 quantall fish, 15s. 6d.; 18 quantalls, £14. 17s.; By himself for balance, £36. 7s. 2d. Sworn by Mr. Peeter Duncan at Salem court before Hillyard Veren,‡ cleric.

‡Writ, dated June 20, 1665, signed by John Fuller,‡ for the court, and served by Nehemiah Jewett,‡ deputy marshal to Samuel Archard,‡ marshal of Salem, by attachment of the house and land of defendant, and the apparel of two of his daughters.

Letter, dated Boston, Mar. 20, 1664-5, from Thomas Savage‡ to Mordica Cravet, requesting Cravet to vacate the house and ground he was occupying, and appointing Mr. Oliver Purchas his attorney.

‡Autograph.

Capt. Tho. Savage v. John Tapley. Verdict for plaintiff, possession of the house and land.\*

Mr. Henry Bartholmew v. William Nicholls. Debt. Verdict for plaintiff.†

Cristopher Lattamore v. Cristopher Labbatt. Debt. For the hire of a stage the last winter voyage. Verdict for defendant.‡

On Mar. 23, 1664-5, this letter was read to Mordecay Cravet's wife and she refused to give possession, her husband being not at home. Wit: William Woodcocke§ and Samuell Archard.§

Tho. Savage's bill of costs, 1li. 6s.

Copies of execution, assignment and return made by Hillyard Veren,§ cleric.

Report of the auditors, Walter Price,§ Edmund Batter§ and Henry Bartholmew.§ Edith Crevet mentioned.

Mordica (his mark) Cravet of Salem, on Aug. 6, 1663, agreed with James Braiding, merchant, to go in the bark Content, Thomas Savage, sr., owner, to Montenicus, take in fish and return to Marblehead. Braiding was to pay 7li. 15s. per month for the vessel and the same amount for the men and victuals, the hire of the vessel to be paid to said Savage and the remainder to said Cravet, the voyage to end at Boston. Braiding was also to go into any other English fishing port if he chose. Wit: Thomas Savage, jr.,§ and John (his mark) Green.

Thomas Savage, aged about twenty-five years, deposed that he asked Creford why he did not show his father's receipts which he gave him for the fish, and he replied that he had them in his pocket, etc. Sworn, June 26, 1661, before Jer. Houchin,§ comissr. Copy made by Jer. Houchin.§

\*Writ: Capt. Thomas Savage of Boston v. John Tapley; for dwelling upon and possessing and using a house and lands of said Savage, obtained by judgment of the Salem court, without any contract or agreement; dated 20 : 4 : 1665, signed by John Fuller,§ for the court; and served by Nehemiah Jewett,§ deputy for Samuell Archard,§ marshal of Salem.

Tho. Savage's bill of costs, 1li. 6s.

†Writ, dated June 3, 1665, signed by Hillyard Veren,§ for the court.

Henry Bartholmew's bill of cost, 1li. 3s. 4d.

William (his mark) Nicolls of Topsfeild, on 1 : 10 : 1664, acknowledged a debt of nine pounds to Henry Bartholmew of Salem. Wit: Samuel Archard.§

‡Samuell Morigin, aged about twenty-eight years, deposed that he heard Mr. Lattimor say, when talking with Cristover Lapitt about stage room, flake room and a mooring place, that he had

§Autograph.

William Hamon v. Tristrom Elford. Debt. Verdict for plaintiff.\*

Robt. Knight v. Mr. John Gifford. Debt. For building a furnace fit to go and for building a dwelling house. Withdrawn.†

Court appointed Capt. Walter Price, Mr. Henry Bartholmew and Mr. Edmond Batter to audit the accounts between Capt. Tho. Savage and Mordecaie Craford from the time of the mortgage of

promised Lapitt the mooring place that Henerie Rusell's boat was moored upon, but now he would not meddle, etc. Sworn in court.

Henry Russell, aged twenty-four years, deposed that the mooring place in Mr. Lattamore's cove, etc. Sworn, 24 : 4 : 1665, before Wm. Hathorne.‡

John Codner, aged about forty years, deposed that he saw Christopher Lopit's shallop at the mooring place with Henerie Rusell's boat a day and a night, and if they had continued, they would have damaged one another, etc. Sworn in court.

Robert Pattey, aged about twenty-three or four years, deposed that Christopher Labet asked him at John Stase's house at the beginning of the last winter voyage, where he intended to fish, etc. Labet said they would be all "Hedders" at Mr. Lattemer's stage except himself. Deponent said that he would split his own fish, etc. Labet also told deponent that he would pitch his flakes next Lattemer's dwelling house by the water side, and he brought brush upon which to make his fish, and one of his crew, Richard Woods, told Elles Endell and deponent that Labet was to pay four pounds for the hire of the stage for the season, etc. Sworn, 26 : 4 : 1665, before Wm. Hathorne.‡

Samuell Ward, aged about twenty-seven years, deposed. Sworn in court.

John Burd, aged about thirty years, deposed. Sworn in court. Lattamore's bill of cost, 1li. 6d.

Walter Mongey, aged about thirty years, deposed. Sworn in court.

\*Writ, dated June 8, 1665, signed by Edmund Clarke,‡ for the court, and served by Thomas Millet,‡ constable of Gloster.

William Hamons' bill of cost, 1li. 2s. 6d.

Agreement, dated Gloster, 17 : 9 : 1664, between William (his mark) Hamond and Trostrom (his mark) Elford, the former binding himself to go to sea for said Elford, with Thomas Very, his fore-shipman to catch fish until the last of April, receiving five pounds sterling in dry fish at Goodman Ellwell's stage, and to receive forty shillings more in dry fish for two barrels of mackerel received of Hamond, etc. Wit: William Sargant.‡ Sworn to by said Sargant, 29 : 4 : 1665, before Hillyard Veren,‡ cleric.

†Writ, dated June 17, 1665.

‡Autograph.

said Craford's house and land to Savage until the prosecution of the action, and to make return as soon as possible.

William Beale v. William Norman. Breach of covenant. Withdrawn.\*

Robt. Knights acknowledged judgment to Mr. John Hathorne to be paid in specie.†

William Norman acknowledged judgment to William Beale, his master, and for running away from his master was sentenced to be whipped ten stripes, and to return to said Beale.

Andrew Tucker and Mathew Price were discharged of their bond.

Andrew Tucker, administrator of the estate of Nicholas Tucker, deceased, was bound to bring in a perfected inventory to court to be held in June, 1666, in Salem.

Peter Duncan was sworn constable for Gloster.

Mr. John Hathorne, Mr. Ruck, Benjamin Parmiter and William Edmonds had their licenses renewed.

Mr. Oliver Purchass, Mr. Tho. Laughton and Ensign Fuller were sworn commissioners to end small causes in Lynn.

Tho. Lyon, complained of for going into the house of Edward Wharton on the Lord's day, taking and carrying away 21s. in money appeared before the court and confessed. He was sentenced to pay three fold and to be severely whipped ten stripes.‡

Mr. Thaddeus Riddan had his license renewed to retail strong waters out of doors, obtained by the motion of Mr. Ralph King.

John Dodge of Bass river was fined for absence from the grand jury.

Court deferred acceptance of the verdict in the action between Mrs. Mary Rogers of Rowly, executrix of Mr. Eze. Rogers, deceased, and Mr. Ezekiel Rogers of Ipswich, until the next Ipswich court.

\*Writ: William Beale of Marblehead v. William Norman; breach of covenant; dated May 3, 1665; signed by John Carleton,§ for the court; and served by William Beale,§ deputy to Abraham Drake,§ marshal of Hampton, who committed said Norman to prison at Ipswich.

Bill of charges, 7s. 6d.

†Robart Knight,§ on Dec. 23, 1663, ordered Mr. John Jeffard to pay 7li. 10s. in silver to John Hathorne. Wit: Richard Hood§ and John Hathorne, jr.§

‡Thomas Lyon's bill of charges, 6s.

§ Autograph.

Mr. Robert Paine, treasurer of this county, and the marshal of Salem, made up their accounts, there being 75li. 16s. 7d. due to said marshal.

An inventory\* of the estate of John Coleman was presented to this court by Mr. Peeter Duncan and allowed, and said Duncan was appointed administrator.

Hillyard Veren, one of the executors of the will of Capt. Nathaniel Veren, deceased, presented an inventory amounting to 69li. 5s.

John Smith was sentenced to be severely whipped for going into the house of John Glover one morning, and for his uncivil carriages toward said Glover's wife.†

By agreement all actions between Will. Nicholls and Jon. Godfery were ended by payment of 20s. in Indian corn at the next harvest, by said Nicholls to Hillyard Veren.

John Upton, alias Ribton, having been bound for appearance at this court by the worshipfull Major William Hathorne, to answer a complaint for being an abettor of one Henry Spencer, a runaway, and for concealing stolen clothes, and consenting to be tried by a jury, was found not guilty. Court did not accept this verdict.‡

\*Inventory of the estate of Jno. Colman, deceased, was taken by Peter Duncan:§ In Cloathes which the Selectmen Prised at £4. 11s.; 2 quantalls of fish, £1. 11s.; 5 quantalls of refuse fish, £2. 10s.; total, £8. 12s. Account of what he owed: To Peter Duncan, £6. 13s. 7d.; administrator's services, 10s.; stage room for making his fish, 6s. 8d.; total £7. 10s. 3d. Other debts: To Jno. Collens, sr., £3. 12s.; Will. Cannon, £1. 4s.; Will. Sargent, 5s.; total, £5. 1s.

†Summons, dated 30 : 6 : 1664, signed by Wm. Hathorne,§ for the court.

Bill of charges, for whipping John Smith, 2s., etc., 5li. 15s.

Mary, wife of John Glover, deposed that John Smith came in through three doors, the outermost being bolted and the other two latched, the noise awaking her, etc. Eme Knight, the girl who was with Goody Glover at the time, deposed that Smith asked her in the morning if her brother Glover were at home and she told him no. Sworn in court.

John Guppy deposed. Sworn in court.

‡Summons, dated 12 : 4 : 1665, to John Upton, signed by Wm. Hathorne,§ for the court, and addressed to George Ropes, constable.

Heneric Spenseer§ acknowledged that upon Mar. 6, last, he stayed all night at John Ripton's house, and the next day he went



Obadiah Antrum, late of Salem, having embarked upon a voyage, about a year ago, intending to go to Nevis, since which time neither he nor the vessel he went in had been heard from, whereupon it was supposed that he was lost, and whereas said Antrum had a considerable estate in this country, part of which would be subjected to loss if some care be not given it, court ordered that Mr. Edmond Batter of Salem and Mr. John Baker of Ipswich take the estate into their hands, said Antrum having left no one with power to dispose of it, for the benefit of Antrum if he be living, or his wife or relatives, if he be dead.

William Beale assigned his interest in one William Norman, his servant, to Capt. Tho. Savage, said Norman freely assenting thereto, and the court allowed it.

Joseph Bowed and Cristopher Lattamore had their former licenses renewed.

Court ordered that 10li. due toward the 20li. granted the town of Salem toward mending the causeway at the end of the town westward, be allowed out of the next county rate.

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toward Wenham, intending to go eastward, but hearing of the hue and cry that was out for him, he returned to Ripton's and told him that he had run away from his master. That night he sat down at Ripton's fireside and made a pair of linen breeches, which he put on the next morning, putting those he had worn with the rest of the pack, and Ripton started him on the way to Andevour. Sworn, June 27, 1665, before Jer. Houchin,\* commissioner.

Thomas Chandler, aged about thirty-seven years, deposed that one John Boyd came to his house last February, being meanly clothed, and when deponent asked him if he had no better clothing, he said he had at John Ripton's house. Deponent saw the latter at Thomas Marshall's farm, and asked him if he knew this Scotchman, and Ripton replied that he happened to meet him at Salem, and being his countryman, brought him to his house and entertained him. Later deponent learned that his right name was Hen. Spencer, not Boyd. Sworn, 26 : 4 : 1665, before Simon Bradstreete.\*

Thomas Jonson, aged about thirty years, deposed that Spencer came first to his house ragged, and the next time dressed like a gentleman, etc. Sworn, 26 : 4 : 1665, before Simon Bradstreete.\*

James Heg, aged about fifty-four years, deposed that the man who came to John Upton's house said he was a seaman and that he came from Scotland four years since, etc. Sworn in court.

Henry Spencer acknowledged that he left a coat, a rapier and belt, a piece of serge, a pewter bottle, a pair of breeches, a band

\*Autograph.

Court ordered that Major William Hathorne hear and end all the presentments brought into this court, except the Quaker's fines.

Liddea French, having been bound over to this court by the Worshipfull Major Will. Hathorne, to answer for uncleanness, she and her father, Tho. Chubb, were released from their bonds, and she was to be bound to appear at the next Court of Assistants, or else be committed to goal.

John Pemerton was fined for breach of the peace.\*

Will† and inventory of Richard Window, late deceased, was proved and allowed.

and a pair of shoes in his pack for John Ripton to take care of, etc. Sworn, Apr. 28, 1665, in Ipswich court.

Thomas Johnson, constable of Andover, deposed that Ripton told him that there was in Spencer's pack, two Bibles, a pair of French fall shoes, etc., and that Spencer also went to Ed. Hutchingson's house, etc. Sworn, Apr. 28, 1665, in Ipswich court.

James Hage, aged fifty-five years, deposed that he found, about "six stone's throw" from Upton's house as he sat down to rest after a search for a mare in the woods, something which pricked his heel, and looking down saw a rapier, etc. He notified Goodman Marshall and his son, etc. Sworn in court.

Theophilus Willson deposed that when Henry Spencer was in Ipswich prison, he told deponent that he left the pack that he brought from his master Mounford, etc. Sworn, Apr. 28, 1665, in Ipswich court.

\*Bill of charges, 1s. 6d.

†Will of Richard Window of Gloster, dated May 2, 1665; and proved by Jacob Davies and Isaack Steevens: "I macke my dafter Ann my tru and laful aire: and Soule Exsectetrees and by this presenc do giue unto her my housses and lands and al my Right appearing in the Same towne and County a boue Saide: or whear so Euer Elce. And unto Rich goding: do I giue the Sowrd and belt that he traineth with and also one pound ten Shillings to be paid out of the Estat. And to Antany Bennet my Suninlaw do I giue one grat bibel which was his father's with al my working towls: and al my waring cloaths: and three yards of new Cersi in my Chest and one musket: and one heafer Cauef: I giue unto Ellesbeth Bennet my Dafterinlaw one Cheast with a frog lock: and to Jacob Daues do I give my fouling peace and Shot moulds. And unto Breget my wife do I giue al her wearing Cloathes: and once bead one rug and bolster which She brought with her: and one Iorn pot: and one bras pot: whith al other things that are left: which She brought with her: of her houssal Stuf: and also one third par of the Rent of the housses and lands to be yearly paid to her.

Inventory of the estate of John Slather, deceased, was presented by Eliza, his wife, who with Capt. George Corwin, were appointed administrators of the estate. An inventory\* amounting to 50li. 15s. 6d. was allowed.

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And Concerning James trauis : thirty pounds which the Honored Court was plesed to aloue him out of his fathers inheritanc which lis in Necheles waringtans hands which is his portion. And Antany Bennit do I leue and Commit into the hands of his unkel benit if he pleas to exsept of him : and if not I Commit him to the Cair of my ouerseers. And if my Dafter ann do dy without an Aire : borne of her one body and lawfully begotten then do I giue her pour to mack an air whomme she will or to dispose of it to houm she pleseth. And I do apoynt william hasskel senior and James Steuens and Jacob Daues of glostor to be her ouerseers : and do giue them ful pour to ordar and dispos of her as if I my Self wear present : and to bring hir up in the fear of god : and also do giue them ful pour to ordor and dispos of the Estat to her best aduantage." Richard Windowe.† Wit: Jacob Davis,† Isaac Stevens,† Richard (his mark) Goding and Ellesabeth (her mark) Daves.

Inventory of the estate of Richard Windo of Glostar, taken 9 : 4 : 1665, by John Daves, Philep Stainwod and William Sargant: His housing and Lands, upland and marsh, 120li.; one yoke of oxon, 15li.; three Cows, 14li.; one bule & one steare, 7li. 10s.; 2 steares, 5li.; one haifer, 1li. 10s.; 2 Calves, 1li. 5s.; one mare, 6li.; one mare, 5li.; one hors, 5li.; swin, 2li. 10s.; Carpenturs Toles, 2li.; one Bible, 12s.; one bible, 8s.; one Chain, 8s.; one fouling peeces and shott molds, 1li.; one ax, 3s.; one Fether bed and bolster two ruggs, one blancut, 5li.; Goody Windos bed and beding given, by will, 3li.; Goody Windos housold stof given by will, 2li. 13s.; two bras kittells, 2li. 5s.; three yards of Carsy, 1li. 4s.; one yard of sarge, 6s.; one Iron pott, 10s.; one warming pan, 8s.; one puter platter, a bason, a bottel, 2 dram Cups, 7s. 6d.; two bras skilats, 8s. 9d.; one pare of briches, 10s.; a pare of trukes and tombrell and sled, 10s.; one plow with the Iorns, 7s.; one spade, 2s.; one pich Forke, 2s.; two old hoes, an old sith, 5s.; one grining ston, 2s. 6d.; one draft yoke, 6s.; one hatt, 10s.; one hatt, 1li. 10s.; one yard Carsy, 6s.; smal remnant of Cloth, 2s.; a Compas dial, 4s. 6d.; one wascott, 16s.; one bottell, 1s.; one put. pot, 2s.; two old Chestes, 7s.; one sord, 12s.; three Iorn weges, 5s.; one Conew, 15s.; one Conew, 13s.; total, 211li. 19s. 6d.

\*Inventory of the estate of John Slater, jr., lately deceased, taken May 18, 1665, by Willm. Pitt,† John Peach† and John (his mark) Codner : Brasse Pott, 6s.; Iron Pott, 4s.; fouer Pewter platters, 10s.; Three peuter plats, 3s.; three latten things, 2s.; a

†Autograph.

Inventory\* of the estate of Jonathan Witt, presented by the reliet of said Witt, was allowed.

Samuell Smale, having but one eye, was freed from common training.†

Giles Lee was fined for being drunk.‡

Servants of the house were allowed 7s.

Rebecca Armitage, having been bound to this court by Maj. Will. Hathorne for uncleanness, having a son born out of wedlock,

smal fouling peese, 14s.; a looking glasse, 4s.; a Jacot, breeches, wastcoat & 2 pare stockins, 1li. 10s.; new Hatt, 12s.; Ould boots & shoose, 2s.; Bed, bolster, two blankets and a bed covered & a pare sheets, 4li.; pare potthooks, 1s.; an ould shirt, 1s.; one chest, 1 box & other lomber, 16s.; a gridiern, & 1 pot Crokee, 1s. 6d.; a Bedsteed, 10s.; the dwelling house & garden, 40li.; too Swine, 13s.; a tabelbord, small, 5s.; too pickters, 1s.; total, 50li. 15s.

\*Inventory of the estate of Jonathan Witt of Lyn, taken 30 : 11 : 1664, by Oliver Purchis§ and Thomas (his mark) —, and proved by Mary Witt, the widow: At the dwelling house of John Witt, his father, 5 Augors, 2 Chizzels, 1 Broad Axe, 4 playnes, stocks & Irons, 1 Brest wimble, stock without Iron, 2 pistols & 2 Holsters, 1 Crupner, 1 Brestplate, 1 Saddle with stirrups & 1 double girt, 1 square & a chalke lyne, 3li. 12s. 6d. His Clothes & wearing geers, Linnen, 7 Bands & 1 shirt, 16s.; 1 Great Coat, 1 short Coat & 1 Dublett & breeches as his best Coat, 8li.; 1 Searge Jockett, 1 short Coat of Cloth & breeches, 3li.; 1 Red Coat, 1 pr. of Red breeches, 1 pr. of Linnen drawers, 1 pr. Cotton drawers, 1 short Coat worne, 1li. 10s.; 3 Hatts, 16s.; 2 pr. of stockings & 1 pr. of Gloves, 9s.; 1 pr. Bootes, 2 pr. of shooes, all worne, old, 12s.; 1 Rapier or sword & belt, 12s. At Jno. Flويد's house, 1 Adde, 2s. At John Divann house, 2 Holster straps & a small broken Goodge, 10d.; Bedticke's in a bed & Bolster & 3 pillowes, 3li.; a flock bed & Bolster with a rugg & 2 Blankets, 3li. 10s.; one payre of sheetes, 1li.; one white skarfe, 5s.; one pewter platter, 10s.; an old pillion, 5s.; about 20li. of leafe Tobacco, 6s.; Butter & a firkin, 11s. 6d.; Beefe in a barrell, ye quantity of a quarter, 1li.; 1 doz. of Trenchers, 1s.; 1 Cow bell, 1s.; 1 Long playne, stock & Iron, 1s. 6d. At his new house, ye house itself, 14li.; 16 bu. by estimation of Ind. in ears & Trace, 3li. 8s.; land the house standeth upon, 5li.; the Hay, 2 li.; A sow & 4 pigs, very poore & small. 1li. In Rumney marrish, a small Cock of Hay, 10s.; total, 54li. 19s.—. The inventory did not include the land which his father Divan promised him before his marriage, which was then in said Divan's hands.

†Petition of Samuell Smale.

‡Wit: Thomas Oliver and Humphry Woodbery.

§Autograph.

was sentenced to be whipped or pay a fine. Joseph Armitag bound to discharge the town of Lyn of the child.

Fined by Major William Hathorne since 9 mo : 1664:—

Zachariah Herreck, for breach of the peace in striking Nicholas Decaine many blows on the highway.

On 6 : 1 : 1665, Richard Richards, for stealing corn and putting it into a bag of his own.

On 2 mo : 1665, Nicholas Bartlett, for breach of the peace in striking Jon. Lambert.

On 5 : 4 : 1665, Milmay Tarry was set by the heels for being drunk and for threatening the constable to run him through with a spit, and striking him and others was sentenced to be whipped.

Jon. Whiffin, for railing and abusive speeches to Rebeccah Blith.

Allester Grimes, for working at the hoe on the Lord's day, was fined or to be whipped.\*

William Smith, for being disguised with drink.†

Mathew Woodwell, for being drunk, by evidence of Wm. Lord and Jon. Neale.‡

Gregory Forde, for drunkenness. Mr. Brown promised to pay it.§

Andrew Moss, for not coming to the public ordinances and for swearing by the name of God.||

\*Bill of charges, 9s. 2d.

John Keiser, aged fourteen years, William Pitman, aged about fifteen years, and Elyah Keser, aged eighteen years, deposed that they saw him in the south field hoeing corn, and when he saw them he dropped his hoe and molded the earth with his hands.

†He was a sawyer by occupation. Wit: Thomas Rix and Gorg Deane.

‡William Lord, jr.,¶ and John Neale, jr.,¶ deposed that they were in Mr. Emere's orchard looking for cows and hearing a noise like a drunken man, they leaned upon the rails next the street and saw Woodwell come from Mr. Emere's house held up by two men. When the men let go their hold, he fell to the ground and could not rise, etc.

§Wit : Cristifer Babridge and the wife of Edward Woulling.

||He was of Marblehead.

John Walldron, aged about forty years, and Erasomus James, aged about thirty years, deposed, June 24, 1665, that when Ambros Gall demanded the minister's rate of Anderaw Mose, the latter refused to pay it, saying that he had never heard the minister

¶Autograph.

John Bourten, for swearing. Paid to Mr. Gidney, witness fees.\*

Jon. Leach, for not keeping scales and weights at his mill according to law, was ordered to have them within one month.†

Mathew Woodwell, for abusing the constable who came to keep the peace, threatening that he would kill others and shooting two guns in the night, was committed to Ipswich goal, and bound to keep the peace until the next Salem court.

COURT HELD AT IPSWICH, SEPT. 26, 1665.

Judges: Mr. Symon Bradstreet, Mr. Samuell Symonds, Major Genll. Denison and Major Wm. Hathorne.

Grand jury: George Gidding, Thomas Bishop, Thomas Hart, John Dane, Renold Foster, Rich. Brabrooke, John Poore, Rich. Pittingall, William Acie, James Barker, Jerimiah Elsworth, Isaack Comings and Marke Graves.

Jury of trials: James Chute, John Perkins, Jerimiah Bellcher, Henry Bennet, Tho. French, jr., Abra. Tappan, Will. Ilsly, Will. Morse, John Tod, John Gage, Robert Haseltine and Daniell Hovey

Daniell Borman v. Thomas Borman. For detaining a writing of conveyance of house and land. The parties agreed.‡

preach but once, his reason being that he had a book, which would do him more good.

\*Wit : Mr. Moses Maverecke and Thomas Roase.

Presentments, dated 28 : 4 : 1665, signed by Henery Skerry§ in the name of the rest:—

The Quakers, who were presented at the last court, except Robert Willson.

List of small crimes judged by Wm. Hathorne,§ since 9 mo : 1664.

†Wit : Hen. Herick and John Dodg.

‡Richard Hutchinson and Nathaniel Puttman deposed that they were at Tho. Bourman's house at Ipswich about a year past and said Bourman agreed that if his son Daniel married the daughter of said Hutchinson, Mr. Bourman would give a deed to his son for one-half of his dwelling house, orchard, land, etc., upon condition that if Daniel died before his father, without issue, Hannah, the wife of said Daniel was to be paid 100li. jointure and the whole estate to be at said Thomas' disposal. That after the decease of Mr. Thomas Bourman and his now wife, Daniel received the other half with the proviso that he have liberty to dispose of 200li. in way of legacy. Also that Mr. Bourman built a new house and

§ Autograph.

Mr. John Paine v. Edward Lomas. Replevin. For detaining his hogs in the pound. Verdict for plaintiff. Court did not accept the verdict.\*

gave Daniel his choice of that or the old one to live in. Sworn, 27 : 9 : 1663, before Wm. Hathorne.†

Deed, Feb. 26, 1661, Thomas Bornum to Daniell Bornum. In case Daniell should die, Thomas Bornum's wife, Marget, should enjoy one half of the estate after said Thomas' decease, and if Daniel outlived his father and wished to dispose of the farm, he should give his brother Thomas the refusal, etc. Wit: Richard Hutchinson and Nathaniel Putnam. Copy. Recorded in the second book of records for land at Ipswich, folio 177 and 178, by Robert Lord,† recdr.

\*Writ of replevin, dated Sept. 1, 1665, signed by Daniel Denison,† for the court, and served by Theophilus Wilson,† constable of Ipswich.

At a town meeting, Feb. 8, 1658, it was voted to give liberty to the selectmen to let out some other parcels of land for hay seed as they shall think meet for the good of the town's commons. Copy made Sept. 27, 1665, before Robert Lord,† cleric.

At a selectmen's meeting, Jan. 31, 1660, Georg Farrow, Phillip Call, Tho. French, Anthony Potter, Edward (his mark) Lomas, Jerimiah Belcher, William Norton and John Caldwell were granted liberty to clear and break up a parcel of land at Scott's hill to have two acres each for six years upon condition that they sow four bushels of good hay seed on every acre, to keep up the fence a year so that the English grass should get head, the hay seed to be sown with the last crop. Copy made Feb. 27, 1665, by Robert Lord,† cleric.

John Payne's bill of cost, 1li. 1s. 6d.

Capt. John Appleton deposed that Paine and Lummas agreed at deponent's house that Paine should pay one half of the damage, etc. Sworn before Daniel Denison.†

William Adams, aged about fifteen years, deposed. Sworn in court.

Thomas French, sr., deposed. Sworn in court.

Robert Day and Edward Chapman deposed that they, as overseers of the common fence, found the fence in several places at Scot's hill insufficient, etc. Sworn in court.

John Appleton and John Whipple, jr., deposed that they appraised the damage in Edward Lummas' corn, etc. Sworn in court.

John Gage and Henry Bennett deposed that they found green boughs laid upon the fence near the bars, which was a foot way and not sufficient to keep out hogs, etc. Sworn in court.

†Autograph.

Mr. Rich. Dummer v. John Hutchens. Debt. Defendant acknowledged judgment to plaintiff.

Edward Harreden v. James Steevens. Trespass. Withdrawn.

Tho. Millett v. Thomas Bishop. Trespass. Withdrawn.

Elias White v. Rich. Downeing. Slander. Verdict for defendant.\*

John Newman v. Will. Whittred. Verdict for plaintiff, to have the two cows, etc.†

Tho. Bishop, assignee of Capt. George Corwin v. Hugh Sherrat and Elizabeth, his wife, administratrix of the estate of Humphry Griffin. Debt. Special verdict found. Judgment for plaintiff. Appealed to Court of Assistants. John Griffen, attorney to Hugh Sherrat, and Stephen Webster bound.‡

Nathl. Saltonstall deposed that he was at Mr. John Paine's house on Aug. 30, 1665, etc. Sworn in court.

Daniel Warner§ and Simon Stace§ appraised the damage, etc. Sworn in court.

\*Writ, dated July 15, 1665, signed by Moses Mavericke,§ for the court, and served by John Codnar,§ constable of Marblehead. Richard (his mark) Downing and John Devrixx§ bound.

Richard (his mark) Downing, fisherman, of Marblehead, on Sept. 25, 1665, appointed his loving friend, John Devorex of Marblehead, his attorney. Wit : Joseph Bonde§ and Anthony (his mark) Williames.

John Waldron, aged about forty years, and Dorothy, his wife, aged about thirty years, deposed. Sworn, 25 : 7 : 1665, before Wm. Hathorne.§

†Writ, dated Sept. 14, 1665, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich.

William White and wife Katherine deposed concerning the bargain about the cows, etc. Sworn in court.

John Morsse deposed that he was at work at John Newman's when Goodman Whiteridg brought a couple of cows from his farm, etc. Sworn, Oct. 31, 1664, before Samuel Symonds.§

‡Writ, dated Sept. 18, 1665, signed by Robert Lord,§ for the court, and signed by George Browne,§ constable of Haverill.

John Griffin's bill of cost, 12s.

Thomas Bishop's bill of costs, 1li. 6s. 4d.

Letter of attorney, dated Sept. 22, 1665, from Hugh (his mark) Sherratt and Elizabeth (her mark) Sherratt, both of Haverill, to their son, John Griffing of Haverill. Wit: John Severance§ and Thomas Wasse.§



John Wiate v. Enoch Greenleefe. Debt. Verdict for plaintiff.\*

Edmond Bridges v. Edward Richards. Debt. Of 48s. in bar iron. Verdict for plaintiff.†

William Dodge acknowledged judgment to Capt. Walter Price for a debt of John Balch, deceased, said Dodge's wife being executrix of the estate of said Balch.

Walter Fairefield was fined, upon complaint of Richard Coy, for his and his wife's abuse of said Coy's wife and children with blows and words, also for a pound breach.‡

Edward Richards declared in court before Mr. Wm. Perkins' face, that the latter being asked whither he was going, said to hell for aught he knew. Mr. Perkins appeared and denied the testimony, and was ordered to appear at the next Salem court.

Hugh (his mark) Sherratt and Elizabeth (her mark) Sherratt were bound, Sept. 19, 1665, to appear at Ipswich court. Wit: Thomas Wasse.§

Capt. Georg Corwin deposed. Sworn in court.

Jeremiah Belcher deposed that a little before Goodman Griffen died, he was with Capt. Corwine and Mr. Greffen at Mr. Baker's when said Griffen owned the debt and desired that he might pay in staves. Mr. Corwin bade him do so and send them to Boston to Goodman English, etc. Sworn in court.

Verdict of the jury.

\*Enoch Grenleefe§ of Malden, gentleman, Aug. 26, 1664, acknowledged a debt of 10li. to John Wyatt of Ipswich, yeoman, for a pair of steers, to be paid in wheat, malt and Indian corn at said Wyatt's now dwelling house in Ipswich. Wit: Willm. White§ and Katherine White.§

†Writ, dated Sept. 7, 1665, served by John Fuller,§ for the court, and served by Thomas Browne,§ constable of Lyn, by attachment of house and land of defendant.

Edward (his mark) Richards of Lyn, on Nov. 29, 1663, agreed with Edmond Bridgis of Topsfeeld, for the exchange of a mare and horse, etc. Wit: Daniell Salmon§ and Margey (her mark) Salmon. Owned in court by defendant.

Ralph King deposed that being at Mr. Gidney's in Salem, he and Edward Briges agreed that 43s. to be paid to Mr. John Payne at Boston would satisfy for the whole bill of bar iron due from Edward Richerdson. Sworn in court.

Ed. Brigis bill of cost, 1li. 3s.

‡Richard Coye's bill of costs, 19s. 2d.

Richard Coy, Goodwife Coy and son Richard testified that Walter Fairefield had threatened to beat Goodwife Coy. Sworn in court.

§ Autograph.

William Neffe's bond for appearance, which was declared forfeited, was abated by this court.

John Johnson brought in his daughter Hannah Hutcheson and was discharged of his bond for her good behavior and appearance. She was bound to the next Ipswich court, there to be severely whipped, for lying, cursing and stealing.\*

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Martha Coye deposed that she went to get Fairefield's cow out of their corn, etc.

Thomas Fiske deposed that Fairefield acknowledged that he called Goodwife Coye and her children base dogs, which language is so usual with him that "children are apt to speak it from him." Sworn in court.

Martha Coye and Richard Coye, aged about fourteen and fifteen years, deposed that they found Fairfield's horse in their corn and brought him out and pounded him; but said Fairfield took the horse by force from Ipswich pound. Further Alexander Bravender said that Fairfield said he would pay damages, but she refused, and as it was the Sabbath day, he did not wish the horse to stand in pound.

The wife of Thomas Fiske deposed, Oct. 5, 1665, that she heard a lamentable outcry at Richard Coye's house and ran over to see what was the matter, and on the way going by Walter Fairefield's door, she asked him and he said he marvelled as much as she. She found Goodwife Coye shaking and trembling, and a woman who lived at Goodman Fairefield's holding her head, etc.

William Rayner deposed that he went with other neighbors when he heard the cries and saw Goodwife Coy's face swollen as if she had received blows. Sworn in court.

The wife of William Rayner deposed that Fairefield came to their house, etc.

Martha Coye deposed that she went from home and left her small children, the largest about eight years old. Two of them went up on the top of the house by the ladder that stood against it, and while they sat there, said Fairefield sent his boy to pull the ladder away so that they had to slip down to it. Fairefield told her that the reason he did it was because her children called to him "Come Jack!"

\*Marke Graves, aged about forty-five years, deposed that on 10 : 6 : 1665, about an hour before sunset, Hanah Hutchinson came to his house, his daughter only being at home, and asked to borrow some strong liquor for the toothache. His daughter did not consent, and said Hanah told her that a cow of her father's was running away from their pasture, and she ran to tell her father who was at a neighbor's house not far off, leaving said Hanah in the room where there was a bottle of liquor. Deponent found that his cow was in the pasture and the bottle was nearly empty.

Tho. Dorman was released from training, paying what he pleased to the company.

John Leigh, sr., was bound for his son Joseph's appearance at court after lecture, when he should be called.

Samuell Ward of Marblehead had his license renewed for a year to sell strong water.

John Trumble and Benjamin Scott, being allowed by the General Court, took the oath of freeman.

James Travers chose Lift. John Pike as his guardian.

Joseph Leigh was ordered to appear at court on the following day.

John Leigh was fined for not prosecuting, after having appealed.

The court did not accept the verdict in the action of Mr. Ezekieil Rogers v. Mrs. Mary Rogers, in the last Ipswich court. Ezekieil Rogers' bill of costs, 3li. 12s. 6d., and Mrs. Mary Rogers' bill of costs, 1li. 13s.

Joshua Buffam and Robert Willson, convicted for stealing two loads of hay and thatch from Mr. Edmond Batter, were ordered to pay treble damages, etc.\*

His wife said there was a quarter of a pint there, etc. Sworn, 12 : 6 : 1665, before Simon Bradstreete.†

Hanah Hutchinson said that the girl told her there was vinegar in the bottle, etc. Also that she would kill the child or herself, etc.

John Johnson and Tho. Johnson, father and brother of Hanah Hutchinson, were bound for her appearance and to save the town of Andover harmless, etc.

Hanah, wife of Tho. Chandler, deposed that Hanah Hutchinson being at her house washing her mother's clothes, she pretended to go home at noon, but before she could have reached half-way there, she returned and cried out that she had been so frightened for the mad woman had caught Goody Chandler's boy and nearly killed him, for Goody Parker's boy had told her so. Deponent ran, leaving her girl to tend her child, to Nathan Parker's, and asked where his boys were. His wife said that one was in the barn with her husband and the other in the house. Fearing she had made a mistake, deponent went to Goodwife Barker where she found her child well. Deponent returned and told Hanah she was a lying woman. Mary, wife of Steven Osgood, was there, and also Tho. Johnson's wife came in, etc. Sworn, 12 : 6 : 1665, before Simon Bradstreete.†

\*Summons, dated 11 : 6 : 1665, signed by Wm. Hathorne.†

Nathaniel Felton certified, 26 : 7 : 1665, that he appraised for the marshal a piece of salt marsh that belonged to John Smyth. Wit : John (his mark) Suthwicke and John King.†

† Autograph.

Robert Swan, complained of by Stephen Webster for stealing wheat, was ordered to pay treble damages.\*

Copy of the appraisal made by Nathaniell Felton and Nathaniell Pickman, 7 : 2 : 1658, of the salt marsh of John Smith, at the lower end of his ten acre lot in the north neck and compassing round the cove, at six pounds.

Rueben Guppy, aged about sixty years, deposed that he was employed by Edmund Batter to mow salt water grass in the marsh formerly of John Smith, tailor, of Salem, and he and John Glover cut thatch there and left it to dry. The next morning they found that it had been carried away and deponent tracked the cart. Thomas West told him that he saw Joshuah Buffam go by early in the morning with thatch. Then deponent waited for the cart Mr. Batter had hired to come, and spent three days about the business. It was called small creek thatch, etc. Robert Willson said that Smith had the grass two years and expected to have it another year. Sworn, 22 : 6 : 1665, before Wm. Hathorne.†

Samuell Archard, marshal, aged about fifty years, deposed that the marsh was attached for fines and Mr. Batter, treasurer, took it and paid the fines, etc. Sworn, 25 : 7 : 1665, before Wm. Hathorne.†

Edmond Batter, aged about fifty-seven years, deposed. Sworn in court.

Xtopher Waller, aged about forty-two years, deposed. Sworn, 28 : 6 : 1665, before Wm. Hathorne.†

John Glover, aged about twenty-seven years, deposed that creek thatch was as good fodder as hay, etc. Sworn, 22 : 6 : 1665, before Wm. Hathorne.†

Thomas West, aged about thirty years, deposed. Sworn, 14 : 6 : 1665, before Wm. Hathorne.†

\*Stephen Webster deposed that upon Aug. 4, 1665, he and Robert Swan were in company with some of their neighbors, and they tried to agree about the wheat, etc.

Zeackriah Whitt, aged about twenty-three years, deposed that he was employed to shock his master Webster's wheat, which grew upon land near to Robert Swann's house, and the last day they were reaping said wheat, Joseph Johnson was helping him. The next morning much of the wheat was gone, etc. He also mowed wheat for Swan near his orchard. Sworn, 10 : 6 : 1665, before Simon Bradstreete.†

John Heasellton, sr., testified that he and his son Samuell plowed the land for Steven Webster, which land adjoined the little river near the saw mill, etc. Sworn, Sept. 25, 1665, before Simon Bradstreete.†

John Griffen, aged about twenty-four years, deposed that Swan told him that he had the wheat in exchange, etc.

† Autograph.

Stephen Webster was fined for speaking reproachful words to Robert Swan.\*

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Joseph Johnson, aged twenty-seven years, deposed that he worked upon the land that Steven Webster sold to Robert Swan, etc. Sworn, 10 : 6 : 1665, before Simon Bradstreete.†

Samuell Heazellton deposed.

Samuell Gilde (also Guill), aged about sixteen years, deposed that his master Swan's cart, etc. Sworn in court.

John and Joseph Johnson deposed. Sworn in court.

Thomas Davis deposed that part of the land was sown with "silpy" and the other part with wheat, etc. Sworn, Sept. 22, 1665, before Simon Bradstreete.†

Edward (his mark) Brummidge deposed that Steven Webster's lot was near Abraham Whittiker's house, etc. Sworn, Sept. 22, 1665, before Simon Bradstreete.†

John Hazeltine and Stephen Kent, sr., deposed that Samuell Guile, jr., etc. Sworn, Sept. 25, 1665, before Simon Bradstreete.†

Jno. Griffin, aged about twenty-four years, deposed. Sworn, 10 : 6 : 1665, before Simon Bradstreete.†

\*Robert Swan's complaint to the Worshipful Mr. Bradstreete against Stephen Webster : For saying that he would be the death of him, and for saying that Swan was a weak man and he could drive a dozen such as he before him through the town; also for threatening to burn said Swan's barn, which might be disastrous to himself, wife and children, for his dwelling house was very near the barn, etc.

Elizabeth Whitticker and Samuell Gile, jr., deposed that the same day that Robert Swan was charged with taking away the wheat, Stephen Webster said that if it had not been for Goody Swan, he would have knocked Robert in the head, etc. Sworn, Sept. 25, 1665, before Simon Bradstreete.†

Barthellme Heth deposed that Stephen Webster came to him with some neighbors to ask counsel, and soon after Robert Swan came for the same purpose. Webster desired counsel before his father Emiry and John Griffen, etc. Sworn in court.

Abigale, wife of John Remington, deposed that being abroad in a hemp yard, she saw Webster go to her brother Swan's, and her sister Swan go with him to the barn. Webster said to Swan, "art thou a church Member, and dare to doe lyes," with which he stabbed at him with the fork he had in his hand, making a mark on his breast. Webster stood on the rails that were set up on the outside of the barn to fence in the mow, etc. Sworn, Sept. 22, 1665, before Simon Bradstreete.†

Robertt Swan deposed that they at first agreed about the wheat and shook hands and later Webster told him that he had played him a scurvy trick, sometimes he had put two sheafs together and

†Autograph.

Joseph Leigh, for many offences, was sentenced to pay a fine, to be severely whipped and bound to good behavior. He was to be imprisoned until the fine was paid, and upon his petition, the corporal punishment was changed to a fine and a fortnight's imprisonment.\*

again only one and a half. This he had done by taking some wheat out of the sheaf, putting it at the end of the band, drawing it up to the heads and twisting it together and made the band longer. Deponent told him that it was horrible wickedness for him to make deponent appear guilty when he was guilty himself, and he said it was good policy to use means to keep himself out of snares, etc.

Elizabeth (her mark) Swan, wife of Robert Swan, deposed concerning the assault in the barn. She took the pitchfork from the men, and Webster told Swan that he would be the death of him if he hanged for it, etc. Sworn, 10 : 6 : 1665, before Simon Bradstreete.†

Elizabeth (her mark) Swan, daughter of Robert Swan, deposed.

John Griffen deposed that being at the house of his father Sherred, etc.

\*Joseph Leigh's† petition to the court for clemency. He acknowledged that he knew of the death of the sow and that he did wrong to Goodman Kemball in inticing his servant away.

James Sanders deposed that he sold a hundred old rails to Joseph Leigh, and had the team of John Leigh, sr., to take them home. They were in Mr. Hubbard's lot, and these are the rails he would have sold to Daniell Hovey a year ago. Sworn, Apr. 27, 1665, before Daniell Denison. Copy made Sept. 4, 1665 by Robert Lord,† cleric.

Thomas Kimball, aged about thirty years, deposed that Joseph Leigh inticed his servant, James Sanders, away in his absence, and when deponent accused him of it, he called God to witness that he knew nothing of it, and his solemn protestations made deponent think him innocent. Afterwards deponent threatened to prosecute him and the next Saturday, he brought back the servant. One day when deponent went to Boston, Leigh advised Sanders to run away, promising to give him money and victuals. Sanders told his master and the latter went to town and while in hiding saw Leigh deliver money, a pair of stockings, bread and cheese, and heard him ask Sanders if he had his master's best shoes. Sworn in court.

Symon Tompson deposed that Goodwife Leigh knew of the killing of the sow. Sanders killed it and Joseph was with him. Sworn in court.

James Saunders, aged about twenty years, deposed that he let the sow that belonged to William Downing out of John Ring's barn, being importuned by Joseph Leigh. That he and Joseph

†Autograph.

Goodwife Leigh was fined for concealing stolen goods.

James Sanders, for "sayeing and unsayeing and sweareing," was admonished and ordered to make public acknowledgment in the meeting house.

The fourth part of a single country rate was ordered to be levied to defray the county debt.

Joseph Leigh and John Leigh were bound for the former's appearance, and John was to deliver Joseph a prisoner to Mr. Willson.

Mr. Samuell Symonds and Major Genrll. Denison were ordered to call the surveyors of Ipswich to account for neglecting to mend certain highways.

Anna Hayward was appointed administratrix of her husband, Nehemiah Hayward's estate, the latter having left a will with no executor named.

Five shillings were given to the house.

#### COURT HELD AT HAMPTON, Oct. 10, 1665.

Jury of trials : Jno. Eaton, Jno. Gill, Jno. French, Robert Downer, Christopher Palmer, foreman, Anthony Tayler, Godfrey Deareborne, Jno. Marian, Tho. Marston, Moses Gillman, Umphrey Wilson and Jno. Johnson, Jno. Eyer and Mr. Richard Oliver.

Jno. Johnson was fined for absence from jury.

Civil cases :—

Abraham Whiticker v. Jno. Haseldine. Trespass. For mowing a part of his grass and taking it away from his Spickett meadow and for laying claim to said meadow. Verdict for plaintiff.

Francis Page v. Isaac Cole and Abraham Cole. For not performing certain articles in a covenant about the eighth part of a

knocked her in the head, and the old woman, Goodwife Leigh, had knowledge of it, but advised them not to use the meat for fear the house would be searched, etc. Further that said Joseph urged deponent to steal a sythe of Mr. Bennet, and Joseph also had on a pair of Bennet's gloves. Deponent also stole wheat from his mistress. Neither John Leigh, sr., or John Leigh, jr., knew of these things. Sworn, May 1, 1665, before Daniel Denison.\*

Verdict of the jury signed by James Chute.\*

Jeams Sanders, aged about twenty-two years, deposed that Leigh hid him a week at "Hard-brick hill" and at his father's swamp near the hill, etc. Sworn in court.

\*Autograph.

saw mill and certain land which Cole hired of Page, as per covenant dated last of October, 1662. Verdict for plaintiff.

Mr. John Wheelwrite v. Capt. Brian Pendleton. For unjustly detaining certain goods, a feather bed, bolster, two down pillows, one green worsted rug, one suite of silk curtains and valance, two round tables, ten pewter dishes, two pewter plates, two cushions, one carpet, one chafing dish, three pair of sheets, six napkins and three towels. Verdict for defendant.

Nathanell Boulter v. Abraham Corbitt. Debt. For 7,750 pine boards delivered at Exiter to said Corbitt's man, as appeared by a receipt, etc. Verdict for plaintiff.

Nath. Boulter v. Nicolas Norris. For not performing a month's work for plaintiff according to agreement. Withdrawn.

Willi. Marston, sr. v. Jno. Lewis. For 42 1-2 bushels of Indian corn delivered to him at 4s. per bushel and 32 1-2 pounds of pork at 5d. per pound. Withdrawn.

Georg May, assignee of Willi. Marston, sr. v. George Walten. Debt. To be paid in cod fish. Verdict for plaintiff.

Henry Roby v. Dorman Disher. For detaining 1000 hogs-head staves delivered by Wm. More for Henry Roby on account of Capt. Clarke, as appeared by a receipt, etc. Georg Walton forfeited his bond for said Disher's appearance.

Jno. Robison, chosen by Exiter to end small causes, was approved.

Anthony Stanian was sworn constable of Hampton.

Willi. Fifeild, Giles Fuller, Godfrey Dearborne and Henry Roby were freed from ordinary training, paying to the military company of Hampton, 3s., 5s., half a crown and 5s., respectively.

Tho. Sleep. was freed from training.

Mr. Christopher Hussie and Tho. Warde, chosen to end small causes for Hampton, were sworn.

Edward Clarke of Haverhill was granted administration upon the estate of Willi. Deale, late of Haverhill, and was ordered to bring in an inventory.

Jno. Robison was allowed to keep a ferry at Exiter and to have a penny for a passenger.

The committee concerning the repair of Exiter bridge was continued and was ordered to report to the next Salisbury court.

A rate was ordered to be made.

Capt. Christopher Hussie, Ens. John Samborne and Tho. Philbrick, jr., were appointed to make a division of the estate of Tho.



Chase, formerly of Hampton, to the children, according to Hampton court order, 3 : 8 : 1654, with consent of Elizabeth Chase, administratrix, who was to have 4li. out of the lands.

Isac Cole was fined and bound to good behavior for profane speeches and violence. Continued to next Salisbury court.

Jno. Huggins was given until the next Salisbury court to bring in what he could find of Legat's estate.

A rate of 30li. was ordered to pay the county debt.

Ten shillings to the house, that is, the servants.

Twelve shillings allowed to Exiter jury of inquest.

Isaac Cole and Abraham Cole were bound for the former's appearance.

Jno. Eaton was fined for striking Moses Woster.

Jno. Wedgwood, Joseph Dow, Mr. Colcord and Mingoe.\*

COURT HELD AT SALEM, 28 : 9 : 1665.

Judges : Worshipful Mr. Symond Bradstreet, Mr. Samll. Symonds, Maj. Danll. Denison and Major Wm. Hathorne.

Grand jury : Mr. Henry Bartholmew, Barth. Gidney, Jon. Dodg, sr., Antho. Ashby, Nath. Putnam, Jisiah Rootes, Edw. Humber, Samll. Daliver, Nicho. Vinson, Will. Charles, Hen. Collins, sr., Allen Bread, sr., Jon. Witt, Hen. Roades and Mr. Charles Gott.

Jury of trials : Leift. George Gardner, Mr. Zarubabell Endecott, Humfry Woodbery, Nicholas Patch, John Neale, Thomas Robbins, John Millett, Robert Knights, Frances Burrell, Robert Burges, Theophilus Bayly and John Clearke.

Civil cases:—

Frances Wainewright v. Richd. Coye. Debt. Verdict for plaintiff.†

Tho. King and Henry Roby deposed that they saw Goodman Wall bring hay from the meadow, etc. Sworn at Hampton court, 13 : 8 : 1665, before Tho. Bradbury,‡ rec. Copy.

†Account against Richd. Coy, May, 1663, 12li. 10s. 10 1-2d.; Cr., 24 : 9 : 1663, 4li. 15s. 6d. Accounted with said Coy, Apr. 28, 1664, and due to balance with allowance for a pair of pistols, 8li., to be paid in wheat. Richd. Coy, Dr., 19 : 3 : 1664, to one paire of sissers, 4d., pipes, 1d., salt, 12d., 1s. 5d. Francis Wainewright acknowledged this a true copy as per his book of accounts, Nov. 27, 1665, before Daniel Denison.‡

\*Fragmentary notes.

‡Autograph.

Robt. Hooper v. Hen. Russell. Defamation. For calling him thief. Verdict for plaintiff. Defendant was ordered to make a public acknowledgment.\*

Tho. Newall v. George Keiser. Verdict for defendant.†

Letter of attorney, dated 27 : 11 : 1665, from Francis Wainwright† to Robert Lord, sr. Wit: Daniel Denison.†

Writ, dated Oct. 24, 1665, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich, by attachment of wheat, oats, and Indian corn of defendant.

Francis Wainwright's bill of costs, 18s. 8d.

Robert Lord, marshal, testified that the wife of Richd. Coy said, etc. Sworn, Nov. 27, 1665, before Daniel Denison.†

Copy of the lease taken from Salem court files by Hillyard Veren,† cleric.

\*Writ, dated Nov. 21, 1665, signed by Moses Mavericke,† for the court, and served by John Codnor,† constable of Marblehead.

Roger Russell, aged about three score years, deposed that Robert Hupper took away a hogshead of salt from Henrie Russell, jr., etc. Sworn in court.

Robertt Hoper's bill of charge, 1li. 7s. 6d.

John Chanell, aged about "a twintie Jert" years deposed that he heard Huper say that he had taken salt from master Lattemor's stage, etc. Sworn in court.

Moses Mavericke,† aged about fifty-four years, deposed that in 1664 Russell and Hoper both bought salt of him at twelve shillings per hogshead. Sworn at court.

Richard Russell, aged about twenty-three years, deposed. Sworn in court.

†Writ : Thomas Newhall, jr. v. Gorg. Keasur; for damage he sustained by his digging a pit to the loss of his child; dated Nov. 23, 1665; signed by John Fuller,† for the court, and served by Thomas Browne,† constable of Lyn, by attachment of defendant's house and land in Lyn and his meadow in Romly Marsh.

John Hathorne,† Thomas Marshall,† John Fuller,† Mathyas Farington,† John Bourrill,† Thomas Couldom,† Will. Clarke,† John Mansfeild,† Georg Taylor,† John Ramsdell,† Richard Hudd† and Joseph Mansfeild,† on Apr. 13, 1665, were warned by Thomas Wheeler, constable of Lynn, to inquire into the death of a child of Tho. Newell, jr. They met at the house of said Newell, and saw the dead child, of about two years who had been drowned in a pit of water. The wife of Robert Potter and the wife of John Newall told them that they found the child floating upon the top of the water dead, and the mother said that she had missed the child between a half hour and an hour. The pit was two feet in depth, and about six or seven feet over, filled with mud and water, being near the highway in front of said Newall's door, and being falling

†Autograph.

Samuell Legg, assignee of John Legg v. William Nick. Debt. Withdrawn.\*

ground near the said pit, a child playing there by any small slip or stumble might fall in. Sworn, 4 : 5 : 1665, before Wm. Hathorne.†  
Georg Keser's bill of costs, 2li. 2d.

Thomas Morris, aged about thirteen or fourteen years, deposed that he asked Newell's son Thomas where the child was drowned and he said in the hole they made and put water in to keep alewives for fishing, and deponent had seen John, Thomas and Joseph Newell do it.

Sarah Keaser deposed that the place was fenced in, etc. Sworn in court.

Robart Potter and John Newhall deposed that George Keser had a tan vat in that pit, and when he took up his vat, he left the pit open. Sworn in court.

John Keser, aged about seventeen years, deposed that there was a trench dug from the hole to the waterside, so that no water could stand there, and that it was grown over with grass. He had seen sheep and hogs feeding in it, etc. Sworn in court.

John Mansfeld, aged about forty-six years, deposed that there was clay, etc. Sworn in court.

Daniell Mathews, aged about twenty years, deposed that he had seen Thomas Newell's son Thomas digging there with a hoe, etc. Sworn in court.

Arter Carey deposed. Sworn in court.

Eleazer Keasar, aged about eighteen or nineteen years, deposed that Mr. Hathorn noticed the trench, etc. Sworn in court.

Elisabeth Morris, aged about twenty years, deposed that the hole was shallow nine or ten years before, etc. Sworn in court.

\*Writ : Samuell Legg, assignee of John Legg v. William Nick; debt due from Peeter Pittford, deceased, said Nick being said Pittford's successor and possessor of all or most of his estate; dated 6 : 9 : 1665; signed by Hillyard Veren,† for the court; and served by John Codnor,† constable.

Peter (his mark) Pitford, on June 25, 1653, promised to pay 9li. to John Leag for Josef Rogers. Wit : Arthur Sande† and John Sande.† Sworn by Arther Sandin, 26 : 8 : 1665, before Wm. Hathorne.† John (his mark) Legg, sr., of Marblehead, on Nov. 16, 1665, assigned this bill to his son, Samuell Legg, of Marblehead.

Peter (his mark) Pitford of Marblehead, on 5 : 8 : 1650, being indebted to Capt. Hathorne for 30li., conveyed to him his house, five acres of land, his stage with an acre of land, a cow and calf, eleven swine, etc. Wit : Samuell Archard† and John ——— Wm. Hathorne† assigned this mortgage, 17 : 11 : 1655, to William Nick.

† Autograph.

Tho. Chandler v. Job Tyler. Slander. Withdrawn.\*

Richd. Clathery, Richard Crocker, Emanuell Martin and Gregory Codner acknowledged judgment to Capt. George Corwin.

James Freind was sworn constable for Wenham, and Samll. Ward for Marblehead.

Jon. Hathorne, assignee of Samll. Bennett, sr. v. Benjamin Gillum, sr. Debt. Verdict for plaintiff.†

Elisabeth Legg, aged about fifty-seven years, and John Legg, jr., aged about twenty-one years, deposed that when Petter Petford, sr., deceased, he left estate not mortgaged, consisting of one pair of shot molds, one fowling piece which William Nick now makes use of, the bed, curtain and valance and pewter, all of which he kept for his son. Sworn in court.

\*Writ: Sergt. Thomas Chandler v Job Tylar; slander; saying that said Chandler was a base, lying, cheating knave and that he had gotten all his estate by cheating, etc.; dated Nov. 20, 1665; signed by Simon Bradstreete,‡ for the court; and served by John Stebbins,‡ constable of Roxbury.

†Writ, dated Oct. 16, 1665, signed by John Fuller,‡ and served by Rich. Wayte,‡ marshal of Boston, by attachment of a parcel of sea coals of defendant.

Robt. Pateshall, aged about fifty-five years, deposed that Mr. Benjamin Gillam, sr., told him on Nov. 25, 1665, that there was a parcel of coals of his attached by marshal Wayte at the suit of Jno. Hawthorne, attorney to Sam. Bennett, etc. Sworn in court.

John Hathorne's bill of cost, 2li. 18s. 10d.

Samuell Benett, jr., deposed that he was present at the loading of planks in the 15th article and with the team loading timber in the 16th article and that the lighter was sunk at Nahant, her rudder and rigging lost, etc. Sworn in court.

Robt. Pateshall‡ and John Hayman‡ audited the accounts between Mr. Samuell Bennett and Mr. Benjamin Gillam, sr. Sworn in court.

Account of Mr. Benjamin Gillam, sr., due Samuell Benett,‡ 1667 and 68 : For 5 weacks for 6 men dressing there diat and finding them beare and lodging, 2li. 5s.; finding them all bread one weacke, 6s.; mackerill for your men, 5s.; seven days for the youes of my horse at your plesure, 10s.; keeping your horse in the stable, 2 weackes and 3 dayes, 8s.; my teame one day and halfe to draugh timber out of Capt. Marshall's place, 10s. 6d.; 240 foot of inch and halfe plancke, 1li. 4s.; 4,708 foot of plancke at 11s., the hundred at waterside, 25li. 17s.; Carting 1,100 plancke to Winesimett, 3li. 3s.; carting a cele pese of 36 foot long to Winesemett, 12s.; carting a cilson to Winesemet, 48 foot long and squaring of it, 1li. 4s.; six wale peses at the waterside, 2li.; 8 beames with other timber made up 6 tunn, 3li. 3s.; loding plancks with 3 men, 6s.;

‡Autograph.

Phillip Fowler and wife Mary, administratrix of the estate of her late husband, George Norton v. Roger Preston. Debt. For rent. Verdict for plaintiff.\*

loading beames, wales and slabs with 4 men and my teme with other timber, 18s.; three viages with my liter caring of plancke, timber and cord wood to Boston, 7li. 10s.; 17 Cord of wood delivered at your houes, 5li. 19s.; diat and lodgeing severall times for your selfe, 18s.; 3 quart of licker lent you, 6s.; 7 bushells of wheat delivered to Mr. Blith, 1li. 15s.; 7 bushells of malt at 5d. 1li. 15s.; carting timber from Edmons lot one day and half, 18s.; 4 turnes with the liter when Mr. Gillam manned her, 8li.; damage to the Liter, 4li. 10s.; 3 men one day to Nahant looking after the Liter, 6s.; 2 dayes of my soone ditto, 4s.; 6 wales peses sawed at the pit and caried to the water side, 1li. 6s.; a stem of about a tunn of timber draught to Winesemett with 8 oxen, 17s.; 470 foot of inch and quarter bords delivered at Winesemett, 1li. 16s. 9d.; one viage with the liter to Waimoth with my soone in her, 1li. 15s.; timber carted out of the woods to the waterside, 16 tunn, 6li. 8s.; the last time your men was at woreke at my houes for diatt, 1li. 10s.; too dayes carting to Winesemett with too temes, 1li. 12s.; one day with too temes carting out of the woods, 16s.; 5 peases of timber delivered at Boston by Jeames naiburs, 1li. 6s.; the timber you reseved Last when your son Joseph was heare, 12s.; total, 92li. 19s. 3d.

Samuell Benett† of Romelye Marsh on Sept. 12, 1665, assigned this bill to John Hathorne of Lynn. Wit : Samuell Bennett, jr.†

John Brown, aged about thirty years, deposed concerning the planks carried to Capt. Marshall, the getting of timber at Samll. Bennett's house by Mr. Gillam and his two sons Benjamen and Zackery, John Armitage, Tim Armitage, John Wackfeld, Peter Grant and Joseph Stocker, etc. Sworn, 17 : 5 : 1665, before Oliver Purchis,† commissioner at Lyn.

Samll. Bennett, jr., certified to the particulars in the foregoing account. He further deposed that Mr. Gillam took his father's lighter to go to Nahant and put men in her unknown to his father, and hearing that she was stuck at Nahant, he and his father went there and found that some of the wood had been cast out of her and some was frozen in her, etc. He also tried to have the lighter men bring her up their river, etc. Sworn, 17 : 5 : 1665, before Oliver Purchis,† commissioner at Lyn.

After Caine of Boston, aged about fifty years, deposed concerning wood delivered to Joseph Boude, etc. Sworn, at Boston, 27 : 9 : 1665, before Edward Tyng,† commissioner .

Mycal (his mark) Delare, aged about eighteen years, deposed that he was servant of Samuell Bennett, etc.

\*Writ, dated Nov. 13, 1665, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich, by attach-

† Autograph.

Phillip Beere and Arther Abbott v. Henry Russell, Tho. Hauly, John Curtice, Phillip Curtice and Joshua Lamb. Verdict for defendant.\*

ment of barley, hay, steers, a heifer and colt belonging to defendant.

Phillip Fowler's bill of costs, 1li. 4s. 8d.

Copy of indenture, dated Aug. 4, 1656; Lucie Downing of Salem, with the consent of Emanuell Downing, her husband, leased to George Norton, sometime of Salem, carpenter, her farm called "Groton," near the farm of the Worshipfull Jon. Endecot, Esq., in Salem, for ten years from Mar. 1, 1655-6, for 18li. per annum, to be paid in Indian corn, wheat, barley, pork, butter, cheese and cattle. Said Norton agreed not to cut lumber for sale, and to build upon the farm a strong and sufficient house in every way like that of Mr. Tredwell at Ipswich, except Norton was to make catted chimneys instead of brick, and was to leave the house tenantable at the end of the term, "extraordinary cassualty hearby only excepted," in consideration of which he was to have one year's rent of the farm free, etc. Wit : Elias Stileman and William Flint. Copy made by Hillyard Veren, † cleric.

Roger Preston † of Ipswich, on Mar. 14, 1658-9, agreed with George Norton of Salem for the revision of the lease of the farm, and said Preston was to take possession on Mar. 15, 1659-60, paying to said Norton whatever three men should decide was its increased value since Norton took it. Wit : John Porter † and Thomas Putnam. †

\*Writ, dated Sept. 29, 1665, signed by Robert Lord, † for the court, and served by Robert Lord, † marshal of Ipswich, by attachment of beaver skins.

Phillop (his mark) Beare and Arter (his mark) Abot gave receipt to Henry Russell of Ipshig, Nov. 9, 1665, for 10li. 18s. 9d., it being the quarter part of their wages for twelve months' and a half service at sea and on shore.

Writ, dated Oct. 28, 1665, signed by Jonath. Negus, † for the court, and served by John Stebins, constable of Roxbury, by attachment of land of Thomas Hawley, Joshua Lamb and Phillip Curtis. Bond of Henry Russell. † Wit : John Swinerton. †

Thomas Hawley, † Phillep Curtis and Joshua Lamb, † on Aug. 6, 1664, at Boston, impowered Mr. Henry Russell and John Curtis to take care of our goods aboard the ketch called the Mayflower, bound for Newfoundland, for the best advantage of the company, and to return as much as they could spare out of their provisions with the vessel, etc.

Letter, dated Fortin, Aug. 21, 1665, from John Curtis † to his "most dear and Louing Brother," Phillip Curtis of Roxbury, complaining that he had not heard from any of his friends and that he was "out of sight out of mind," and that since they had been in

† Autograph.

that place Mr. Rusell had been very mindful of his own business to the neglect of theirs. That he had not seen Rusell from the first of April until Aug. 16, except once when he came overland and stayed one day. "So I haue been left wholly among a Company of Rauing wolues as I may so Tarme them and for mr. Rusell sacke I am verry sorry I should haue Caus to Rite butt the thing was this he would in no wies hear of going to any other place until we war sartainly Informed be fore how It was that the Indians apon kannede sied doth constantly Com ouer & hath kild all the traid up that thare is nothing to be had hear but he laies the fallt to the Indians but you may Juge hou it is and next tim be mor wieser ho to Reply." He commended the bearer of the letter, Goodman Briant, to his brother, requesting him to find him a suitable place and to be respectful to him as said Briant had been a friend to him. He was forced to stay another year having received encouragement from several men and had taken three partners and bought a parcel of fish on his own account. He sent his love to his father, mother and all his brothers and sisters.

Letter of attorney, dated Nov. 1, 1665, from Phillop (his mark) Beare\* and Artor (his mark) Abot\* of Ipswich, seamen, to Edward Wothing of Salem. Wit : Henry (his mark) Milbore and Richard (his mark) Milbore.

John Curtis† owned, Aug. 24, 1665, that Mr. Rusell had paid 5li., in Fortin, upon their account for necessaries, and agreed to be accountable for the skin due to Philip from the Sagamore.

Henry Russell, aged about fifty-five years, deposed he was asked to deliver the letter of attorney, etc. Sworn in court.

Joseph Wise, aged about twenty-two years, deposed that Russell owned Phillip Bere and Clemmot Hudly to be his two men engaged for the voyage, etc. Sworn, 27 : 9 : 1665, before Anthony Stoddard, † commissioner.

John Curtis† agreed, Aug. 21, 1665, to discharge Rusell from transportation of himself and the Indians to New England, the voyage being ended. Wit : Samuell Bud† and Thomas Brian.†

Henry Russell deposed that Thomas Haly shipped Phillop Beare for 35s. per month, and he served this company twelwe months and a half. Sworn in court.

Letter addressed "For his loueinge freinds John Curtis or Mr. Hennery Russell att newfoundland these by a frend whom god pserue," from Thomas Hawley, † dated Roxbury, July 15, 1665 : "These are to Certefie that wee as also y<sup>e</sup> wife & Child & the rest of y<sup>e</sup> Relations are in good helth hopeinge it is the same with y<sup>n</sup> & the rest of the Company : wee haue formerly write to you & M<sup>r</sup> Russell If it Come to y<sup>r</sup> hands wee haue bene amongst the indians but they are all beaten from Syuayuack & poCuntuckit by the man heks there is nothinge at psent to be gotton amongst them tradinge at psent is verry dead beavor not aboue 7<sup>s</sup> p pound . . . If it bee peace with holland it is likely to bee a beater price

\*Seal.

†Autograph.

Mr. Moses Maverick & Co., owners and fishermen v. John Trumboll. Verdict for plaintiff.\*

Capt. George Corwin v. Will. Caly. Debt. Defaulted.†

Robert Lord, attorney of Phillip Fowler and Mary his wife, administratrix of the estate of George Norton, deceased, acknowledged judgment to Mr. William Norton.‡

Will§ of Robert Moulton was proved by Leift. Georg Gardner

If you Cold leave the indians one nother yeare If they weere willinge to stay it would bee advantagious in Regard of the great Charge of there transportation If M<sup>r</sup> Russell weere willinge to stay but wee leave that to y<sup>r</sup> selfs pvoysions heare are verey Cheepe," etc.

\*Award of the arbitrators, Mr. John Wissold (also Wiswell), of Boston, Mr. Henery Bartholmew of Salem and Edward Raynfford, dated 5 : 7 : 1662, and signed by Henry Bartholmew|| and Edward Rasfford (also Ramsford):|| John Trombolle was to pay Moses Mavericke & Co., for the shallop overrun and lost, with the goods lost and the men's time, and to pay for services of the boat's company, Frances Hooper, master, Williame Carter, midshipman and Elias Fontewnes (also Fontines), foreshipman. Mr. Mavericke was to have the boat's furniture, and what Mr. Tromboll had spent for clothing for the men was to be credited as part payment.

John Trumbell‡ certified at Boston, 5 : 7 : 1662, that the delivering of all papers to Salem court would not interfere with the arbitration, etc.

Agreement of Moses Mavericke|| and John Trumbell|| of Charlestowne, dated 5 : 7 : 1662, to leave their differences to arbitration. Said Trumbell was master of the ship Blossom, which had run into and sunk at sea a shallop belonging to Mavericke & Co. Wit : John Wiswall|| and Henry Bartholmew.

Bill of costs, Capt. Price going to Charlstown, etc., lli. 12s. 6d.

Writ, dated Nov. 13, 1665, signed by James Cary,|| clerk, and served by Soloman Pypes,|| constable of Charlstown, by attachment of defendant's dwelling house. Wit : Jo. Hayman|| and Samuell (his mark) Leamon.

†Writ, dated 20 : 9 : 1665, signed by Hillyard Veren,|| for the court, and served by John Codnor,|| constable of Marblehead.

Capt. Corwin's bill of charges.

‡Writ, dated Nov. 23, 1665, signed by Robert Lord,|| for the court, and served by Robert Lord,|| marshal of Ipswich, by attachment of house and land of Philip Fowler.

§Will of Robert Moulton, sr., of Salem, which was proved by Leift. George Gardner and Samuell Gardner. He made his wife "my whole execut'x of this my last will and testament and I giue and bequeath to my son Robert five pounds at my decease and to my daugh<sup>r</sup> Abigaile five pound sterlinge also my son Samuell to



and Samuëll Gardner, and an inventory\* allowed.

Theophilus Bayly had his former license renewed for retailing strong waters.

Court allowed Mr. Lord of Ipswich a bill of charges about Mr. Perkins, which the treasurer was ordered to pay.

Ephraim Herrick was fined for abusing and striking Osmand Trask, constable, in the execution of his office.†

Administration upon the estate of Tho. Scudder, which was left in the hands of his wife who lately deceased, was granted to Mr. Henry Bartholmew and Hillyard Veren, who were ordered to bring in an inventory.

injoy all my lands within Readinge bounds buttinge on Ipswich riuer by estimation sixscore akers more or less; also I giue to my daught<sup>r</sup> Hannah twentie pownds in neate Cattle to be pd at her day of marriage also I giue vnto my two yonger sons John and Joseph my now dwellinge house with all the lande and meadow with all oth<sup>r</sup> apurtenances therevnto belonginge after the decease of my wife they payinge as a legasie to my two yong<sup>r</sup> daught<sup>rs</sup> Meriam and Mary to each of them twentie pounds to be pd within one yeare after they com to posess it and in case either of my sons John or Joseph should die before theire mother then my will is that my son Samuëll shall injoy the p<sup>t</sup> of my house and lande giuen to the ptie deceased and this I leaue as my last will and testament witnis my hande the 5<sup>th</sup> of Septemb<sup>r</sup> 1665. Robert Moulton senior." Wit: Henry Bartholmew,‡ George Gardner‡ and Samuëll Gardner.‡

\*Inventory of the estate of Robert Moulton, appraised 3 : 8 : 1665, by Samuëll Gardner‡ and Job Swinerton, jr., being desired by the widow : Six Cows, 28li. 10s.; six two year old cattle, 18li.; two yearlings, 4li.; six calves, 6li.; fower oxen, 25li.; horse, mare and colt, 15li.; hay, 10li.; ye farme and housing, 120li.; 13 swine, 10li.; corne, 15li.; 120 acres of land in Reden, 10li.; beding in ye house, 30li.; plow Geare & other tooles, 3li.; total, 294li. 10s.

†Summons, dated 28 : 9 : 1665, signed by Hillyard Veren,‡ clericus.

Osmente Trask, constable, aged about thirty-eight years, deposed, that Efrome Herecke struck him twice on the nose and two or three times on the breast. Sworn in court.

William Hoper, aged about seventeen years, testified that he saw him strike his Majesty's constable and take away the shoes by force. Sworn in court.

Bill of cost, 12s. 3d.

Andrew Eliott deposed that he saw the attachment placed on one pair of shoes of Herrick's, and that he had formerly attached a saddle, etc. Sworn in court.

‡Autograph.

Court having been informed of the death of Benjamin Fearemayes, at Ginne, who left some land in Salem, court ordered that his estate be given into the hands of Capt. Huchesson and the widow Hester Eastwick.

A copy of the will of Capt. Nath. Veren, late deceased in Jamaica, was proved by Mr. Samuell Gardner, upon oath that it was a true copy which he had made from the original in the hands of Thomas Pope, administrator, in Jamaica, signed by the Governor, Sir Tho. Muddeford. An inventory of goods and money brought from Jamaco by said Gardner was also allowed.

A petition having been presented to court by Hana Waters, administratrix of the estate of John Bradstreete, deceased, concerning a portion of the estate disposed of by the last Ipswich court, this court ordered that a summons be sent to all concerned to appear at the next Ipswich court.

Constable Pitman was allowed 30d. for sending a "Hughen cry" to Lynn.

Officers of the troop of Salem, who had been chosen, were confirmed as follows: Mr. John Hathorne, quartermaster; Nathanyell Putnam, clerk; John Putnam, corporal; and Raulph King and Anthony Needham, corporals, the two latter to serve until the court take further order.

Mr. William Perkins, ordered by the Ipswich court to appear to answer for misdemeanors, and not appearing, court ordered a warrant to be issued for his appearance at the next Ipswich court.\*

Mr. John Hathorne's license for retailing strong waters and wine was renewed.

Mr. Moses Maverick's license for retailing strong waters was renewed.

\*Summons, dated Nov. 23, 1665, to Abraham Hill, and Sarah, his wife, and Isaack Shepard, to appear as witnesses, signed by Robert Lord, † for the court, and returned by John Wayt. †

John Paull, aged about thirty-seven years, deposed that the last January, being at Mr. Samuell Bennett's house, he saw Mr. Perkins riding upon his horse from the direction of William Edmonds' house and John Gould came after from mending his stirrup, as Goodwife Edmonds told deponent. At that time deponent saw Mr. Perkins reel first on one side and then on the other, so that it was feared he would fall off, etc. Sworn at Malden, 13 : 8 : 1665, before Will. Brakenbury † and John Wayte, † commissioners.

William Edmonds and his wife deposed. Sworn in court.

†Autograph.

Mr. Harlackendine Symonds, not appearing to answer his presentment, and the constable of Gloster not making his return of warrant, they were to be summoned to appear at the next Ipswich court.\*

Salem, presented for a defect of a highway at Andrew Woodberye's corner fence, was ordered under penalty of five pounds to repair it before the next Ipswich court.†

Isack (his mark) Shepherd, aged about twenty-two years, deposed that he saw Mr. Perckines, who sometimes lived at Waymouth, at the Malden ordinary, and he called for sack. Goody Hill told him that he had had too much already, and Master Perckens replied, "if you thinke I am drunke let me se if i Can not goe." He went tottering about the kitchen and said the house was so full of pots and kettles that he could hardly go, and he asked deponent to call the constable to set him in the stocks if he were drunk, "and I tould him that I was a going and wente aboute my besenes." Sworn, Oct. 27, 1665, before Thomas Danforth.‡

Abraham Hill‡ testified at Maldon, Mar. 10, 1664-5, that "this man Caled M<sup>r</sup> Perkins who some time liued at Wamoth, since I here hath or doth liue at Tarpsal," showed by his carriage the signs of a drunken man.

An, wife of William Edmonds, deposed. Sworn in court.

Bill of cost, for the two Scotchmen's testimony, Cornet Sprage for bringing testimony, etc., 18s. 6d.

\*Presented for driving cattle on the Sabbath day from Line to Wennum. Wit : Jerymyah Watts.

Letter, addressed "For his Louing frind Mr. Wotss Living at wanum This present with care I pray," dated June 24, 1665, from Harlakinden Symonds‡ to Mr. Wots concerning his driving of cattle, " I came oute in the last day of the Election weeke intending to com so for as the farm wich formerly was Mr. Clarks but one of the Couse being very poor wee came as for as the pany ordanary and when wee came thare wee turned ouer horses and coues out and lay at the ordanary that night and the lords day morning wee went and found ouer horses and coues A vary letel way from the place where wee left them the night before traualing Along the bac side of line toune one of ouer couse mied and wee ware at the lest toe ouers before wee got hur out of the mier traveling along to a farm about toe miles a tother side farmar porters toards the ba ward thare wee got leue of the a the house to let ouer cows to feede thare the remaner part of that day and the night but being a paster of inglesh grace and he prasarved to moe he woul not let us but for a noer or toe," etc. John Willisstone‡ also swore to the foregoing.

†Wit : William Alling, Thomas Rootes, Andrew Woodberry, Ambros Gaile and John Codner.

‡Autograph.

Samuel Smith chose Daniell Weicomb as his guardian, and he was confirmed by the court.

George Roapes, constable of Salem, was allowed charges for sending warrants to several towns to warn a General Court, also warrants from the treasurer for raising country rates.

Ordered that all differences between Jane James, widow, and her son Erassmus James, they consenting, be left to the Worshipfull Major Wm. Hathorne and Mr. Moses Maverick to be determined within one month. Also that said Jane should not sell any of the estate except by court order.

Worshipfull Major Hathorne was impowered to issue summons to all who did not appear to answer their presentments, for appearance at the place and time of his appointment.

The following were fined for frequent absence from the public worship of God on the Lord's day : Joseph Boyce, the wife of Tho.

Writ : Mr. Peeter Duncan v. John Tapley; debt due for forfeiture of bond; dated Oct. 21, 1665; signed by Hillyard Veren,\* for the court; and served by Nath. Pickman,\* constable of Salem.

Writ : John Norman v. William Benet and Robert Leach, selectmen of Manchester; for withholding pay for a drum bought for the town, to the value of 45s.; dated 21 : 9 : 1665; served by Hillyard Veren,\* for the court; and served by Robt. Leach,\* constable of Manchester, by attachment of a mare of defendant.

Writ : William Bennett and Robert Leach, selectmen of Manchester v. John Norman, sr.; for cutting several masts in the common; dated 17 : 9 : 1665, signed by Hillyard Veren,\* for the court; and served by Robt. Leach,\* constable of Manchester.

Writ : Thomas Stafford and his wife Elizabeth, or their attorney, Edward Richards v. Mr. Samuell Bennit, sr.; for withholding from them their thirds of a house and land which said Bennitt bought of Thomas Errington, her former husband, without her consent and against her will, said farm adjoining farm of Capt. Cans and John Chadwell; dated Nov. 14, 1665; signed by John Fuller,\* for the court; and served by Henry Selsby,\* constable of Lin, by attachment of a sum of money in the hands of Richard Richardson.

Writ : Ellnor Hollingworth, attorney of William Hollingworth v. Jeremiah Belcher; debt; dated 18 : 9 : 1665; signed by Hillyard Veren,\* for the court; and served by Robert Lord,\* marshal of Ipswich, by attachment of the house, land and barn of defendant.

Writ : Mr. Edmond Batter v. Richard Kimball; debt; dated 20 : 9 : 1665; signed by Hillyard Veren,\* for the court; and served by Robert Lord,\* marshal of Ipswich.

\*Autograph.

Gardner, the wife of Joseph Pope, Jon. Burton, sr., Hanna Burton, Jon. Burton, jr., Josiah Sothwick and wife, Danyell Sothwick, Samull Gaskin and wife, Jon. Smith, Jon. Small, sr., Jon. Hill, wheelwright, the wife of Hen. Trask, the wife of Robt. Buffum, Joshua Buffum and wife, the wife of Robt. Wilson, Michael Shaffin, Jon. Kitchin and his wife, the wife of Richard Gardner, Samll. Shattock and wife, the wife of George Gardner, Jon. Bleven, Jon. Maston, sr., Will. Mastone and Mary Kitchin.\*

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\*Summons, dated 20 : 9 : 1665, signed by Hillyard Veren,† for the court, for the appearance also of the wife of Anthony Needham and the wife of Jon. Smith, and witnesses, Henry Skery, sr., Tho. Rootes and Tho. Rix.

Newbury births, marriages and deaths for 1665, returned by Anthony Somerby:†—

Marriages.

Joseph Coker and Sara Hathorne, Apr. 13.  
 Daniel Cheney and Sara Baily, Oct. 8.  
 Francis Plumer and Bettres Cattlebury, Nov. 29.  
 Georg Jeffry and Elizabeth Walker, Dec. 7.  
 Richard Bryer and Elinar Wright, Dec. 21.  
 Caleb Moody and Judith Bradbury, Nov. 9.  
 Israell Webster and Elizabeth Browne, Jan. 3.  
 John Poore and Mary Titcomb, Feb. 27.  
 Mr. William Thomas and Susanna Rogers, Mar. 8.  
 John Kent, jr., and Sarah Woodman, Mar. 13.

Births.

John, son of John Badger, Apr. 26.  
 Mehitabell, daughter of Mr. Henry Sewall, May 8.  
 Sara, daughter of William Trotter, May 3.  
 Rebecca, daughter of Nicholas Noyes, May 18.  
 Hanna, daughter of Daniel Lunt, May 17.  
 William, son of Mathew Moore, May 26.  
 William, son of William Bolton, May 27.  
 Sara, daughter of Robert Morse, Apr. 28.  
 Joseph, son of Anthony Morse, jr., July 29.  
 Sara, daughter of Edward Woodman, July 18.  
 Judith, daughter of John Baily, Aug. 13.  
 Abigal, daughter of Abraham Merrill, Aug. 13.  
 Steven, son of Tristrum Coffin, Aug. 18.  
 Elizabeth, daughter of Peter Tappan, Oct. 13.  
 Abigal, daughter of James Browne, Oct. 24.  
 Hannah, daughter of Richard Dole, Oct. 23.  
 Samuel, son of Steven Grenleafe, Oct. 30.  
 Steven, son of Daniel Thurston, Oct. 25.  
 Hanania, son of James Ordway, Dec. 2.

† Autograph.

Jon. Sothwick was fined by Maj. Hathorne for not appearing to answer his presentment.

Arther Sandy had his license renewed, and Capt. Georg Corwin, Mr. Wm. Browne, Mr. Ed. Batter, Capt. Walter Price, Mr. Hen. Bartholmew, Mr. Woodeock, Mr. Jon. Croad and Mr. Gidney had their licenses to retail strong water renewed.

Thomas West, desiring to be freed from common training on account of inability arising from a sore leg that had troubled him long and had grown worse, was released so long as his distemper remained.

Capt. George Corwin acknowledged that he had received the full amount of the inventory brought into court at Salem, fourth month past, 50li. 15s. 6d., of the estate of John Slather, which he accepted as full satisfaction of the 100li. owing him from said Slather or Elizabeth his wife, the latter being joint administratrix with himself.

Rebecca, daughter of Steven Swett, Dec. 4.

Richard Bryers' twins, Feb. 10.

Nathaniel, son of Joseph Plumer, Jan. 31.

Richard, son of John Kelly, Feb. 28.

Nathaniel, son of Nathaniel Clarke, Mar. 14.

Richard, son of Francis Tharley, Nov. 25.

#### Deaths.

Phebee Swett, widow, May 6.

Sara, wife of Caleb Moody, May 25.

Katherine, wife of Thomas Silver, July 23.

Richard Hobs, drowned Aug. 18.

Nathaniel, son of Nathaniel Clarke, June 6.

John, son of John Kent, June 24.

Anne, wife of Francis Plumer, Oct. 18.

Daniel Thurston, sr., Feb. 16.

#### Rowley births, 1665:—

John, son of John Johnson, 3 : 2.

Richard, son of Richard Longhorne, May 20.

Hannah, daughter of Thomas Nellson, June 22.

Richard, son of Anthony Austine, Sept. 22.

Elizabeth, daughter of Mr. Samuell Philip, 2 : 1.

Frances, son of John Spofford, Sept. 24.

Sarah, daughter of John Teny, 17 : 8.

William, son of Samuell Stickney, 21 : 8.

Jonathan, son of Mr. Anthony Crosbee, 26 : 8.

Elizabeth, daughter of John Simons, Sept. 8.

Thomas, son of John Todd, Dec. 3.

Abigail, daughter of John Lambert, Dec. 9.

Elizabeth, daughter of Andrew Hidden, 19 : 12.

Joshua Codner of Marblehead, tailor, having possession of a house and land that was part of the estate of Cristopher Codner, deceased, and whereas Mary, wife of deceased, at the time of her marriage, was to give security for the children's portions, which had not been done, court ordered, with the free consent of Joshua Codner, that the house be given for security for the payment of 60li. to the children of said Cristopher Codner, to be paid as the children come to age. John Devorix and Cristopher Lattamore, feofees in trust, were discharged, and Richard Downing and Mary, his wife, agreed to bring up the two children free.

Andrew Mansfeild was fined by the Worshipfull Major Wm. Hathorne for being distempered with strong drink, and William Smith for second offense of drunkenness.

Rowley burials, 1665:—

John, son of William Boynton, Mar. 26.

Jonathan, son of James Balley, Mar. 27.

Sarah, wife of Mr. Philip Nelson, 17 : 12.

Jeremiah Hopkinson, 22 : 12.

Grace, wife of James Barker, 27 : 12.

Andover births, 1665:—

Ruth, daughter of Daniell and Mary Pore, Feb. 16.

Steven, son of Steven and Mary Osgood, Mar. 1.

Nathan, son of John and Hanna Stevens, Apr. 5.

Robert, son of Nathan and Mary, Parker Feb. 26.

Andover deaths, 1665:—

Hanna, wife of Nicholas Holt, June 20.

Amy, wife of Marke Graves, Feb. 20.

Andover marriages, 1665:—

Joshua Woodman and Elizabeth Stevens, Jan. 22.

Joseph Ballerd and Elizabeth Philips, Feb. 28.

Newbury births, 1664:—

—, child of — sbury, Dec. 15.

—, child of — Webster, Dec. 15.

—, child of —iel Somerby, Dec. 20.

—, child of James Mirrick, Jan. 6.

—, child of Nathaniel Merrill, Feb. 8.

—, child of Abell Huse, Feb. 19.

—, daughter of Samuella Moody, Feb. 28.

Newbury deaths, 1664:—

James Parks, servant to Richard Tharly, June 24.

John, son of John Badger, July 29.

Hanna, daughter of John Knight, July 30.

Mrs. Bridget White, Dec. 31.

Mr. Percivall Lowle, Jan. 8.

— Moores, Mar. 25, 1665.

On 10 mo : 1665, David Gregory was fined for drunkenness, which fine Capt. Corwin promised to pay. Jon. Milk was to have the pay for whipping.\*

Richard Haines was fined for breach of the Sabbath in carting hay.†

Servants of Mr. Gidney were allowed 7s., and Mr. Browne's, 18d.

\*Marblehead presentment. Wit : Timothie Roberts, John Furbrush and Ambrose Gale.

†Salem presentment. He was of Cape Ann side. Wit : John Dodge, sr., and the wife of Rice Edwards.

Town of Salem was presented for a way before the house and land of widow Gigles, which was very dangerous to pass.

Presentments, dated 29 : 9 : 1665, signed by Henry Bartholmew,‡ in the name of the rest of the jury.

Robert Gibbs,‡ Richard (his mark) Dowing, Tho. Deans,‡ Edward (his mark) Homan, John Devox,‡ Henry Taylor,‡ Rich. Sharp,‡ David Saywell,‡ Bartlemew Gedney,‡ Samuell Legg‡ and Robert (his mark) Hooper, being desired by the constable of Marblehead, met at John Deverex house, Dec. 13, 1665, to view two dead men, who had been driven ashore. Their verdict was that the men belonged to the catch Phenix and were shipwrecked.

Copy of a record of a town meeting held at Rowley, 11 : 11 : 1653, taken from the old town book by Samuell Brocklebanke:‡ Voted that the selectmen, Joseph Jewett, Thomas Mighill, Matthew Boys, Thomas Dickinson and John Pickard, proportion all the lands within the bounds of Rowley village, and report to the town, etc.

Peeter Woodbery and Cornelius Baker testified that concerning the boy in question, John, son of Frances Masters, Frenchman, the agreement between Henry Herrick, sr., and the boy's father was that the boy was to live with him eleven and a half years. Sworn in Salem court, 30 : 9 : 1665, before Hillyard Veren,‡ cleric.

Bill of charges, for whipping two Indians, etc., 1li. 16s.

Execution, upon the land at Winter harbor in the possession of Mordecai Craford or Eddith his wife to satisfy a judgment granted at Salem court, 27 : 4 : 1665, to Capt. Thomas Savage, signed by Hillyard Veren,‡ for the court.

Execution, dated 30 : 4 : 1665, against William Norman, to satisfy judgment granted to William Beale at Salem court, 27 : 4 : 1665, signed by Hillyard Veren,‡ cleric, and served by Samuell Archard,‡ marshal, who attached the body of Willm. Norman, appraised by Mr. Edmond Batter, Georg Ropes and Samll. Archard at 20li., and delivered him to William Beale. Said Norman was made over to Capt. Tho. Savage by Beale, 30 : 4 : 1665, at Salem court.

Execution, dated 30 : 9 : 1665, against Richard Coye, to satisfy judgment granted to Frances Wainewright, at Salem court, 28 : 9 :

‡Autograph.



1665, signed by Hillyard Veren,\* for the court, and served by Samuell Archard,\* marshal, by attachment of a barn.

Moses Mavericke,\* Francis Johnson,\* Willm. Pitt,\* Samuell Ward,\* Samuell Morgan,\* Nickolas (his mark) Meritt, Edmond Galle,\* Thomas (his mark) Pittman, Vensom (his mark) Stedson, John Brembelcom,\* John (his mark) Legg, Ambrose (his mark) Gaile and William Charls,\* were appointed a jury of inquest, Dec. 2, 1664, to determine upon the untimely death of an Indian named Peter, who was found dead in the highway at the end of the town of Marbelhead. Hearing the evidence of those who last saw him in the night and the manner and place where the corpse was found, they judged that he was drunk with liquor, and being in the snow and cold all night was the cause of his death. Sworn, Dec. 2, 1664, before Wm. Hathorne.\*

Timothy Robarts, James Merret and Samuell Merret deposed that they saw the Indian lying in the cartway, and when they told him he was drunk, he said they lied and were rogues and machett boys. They asked him where he got his liquor and he replied at Mr. Boud's, and thinking to try him, asked him if he did not get it at Thomas Boen's or Clemant's, and he repeated at Mr. Boud's. They strove to raise him but he would not let them, and said there were Indians at Mr. Boud's, getting liquor for spoons, who would help him. He smelled so of liquor that they could not stand by him. George Chine deposed that coming from Lynn about nine o'clock in the evening, he saw an Indian and heard him groan, and later John Nicolson came along, but the Indian did not speak. Joseph Gatchell also saw him. Testified before the jury of inquest, Francis Johnson,\* Moses Mavericke\* and Christopher Latimor.\*

John Fuller,\* Thomas Newhall,\* Andrew Mansfield,\* John Witt,\* Thomas Couldum, sr.,\* Mathias Farington,\* Nathanill Kirtland,\* Nathaniell Handforth,\* Henery Rhodes,\* Gorge Tayler,\* Robert Potter\* and Rich. Haven,\* were appointed a jury of inquest, Oct. 28, 1665, and warned by the constable, Thomas Brown, to inquire into the death of a stranger who came to town two days since, Richard Brear of Exceter. His body was much bruised, and black and blue, and the cause of his death they could not find, but it appeared by testimony of John Hawthorn and Tho. Brown that this man was brought by William Edmonds and Thomas Stocker to the constable upon the draughts of a cart, straddling over the axle-tree, his body lying upon the draughts, which occasioned the bruises.

Bill of charges of the constable of Lyn in the foregoing matter: for a man to goe to a docter & afterward to get persons to administer phissick to him, 2s. 6d.; for a man to goe to Boston to a Majestrate to know what they should doe with the sick man, 2s. 6d.; pint of wine, 1s.; a woman to administer phissick according to ye docter's order, 1s.; making a coffin, 3s.; diging his grave, 18d.; woman to wash his cloathes, 1s., etc.; total, 1li. 2s. 6d. The

\*Autograph.

money he had, 7s. 7 1-2d., was laid out for sugar, nails, liquor for his burial and the doctor.

John Newall's charges, for himself and wife tending him and for beare and diat for those who sat up to watch, 12s.; damage to bedding and other cloathes, 5s.; linen sheet, shirt and other things for his burial and for boards for his coffin, 10s.; total, 1li. 12s.

John Hathorne, aged about forty-two years, deposed that they asked to bring the sick man to his house, but he did not receive him and they went on to the constable, etc.

Sarah Hill, aged about sixteen years, deposed that about the time Mr. Gushon's ship came from England, a stranger came into her father's house, sat down "and fetched his breath very hard." He asked her and her sisters for a night's lodging as he was too ill to go further, but she, fearing he had the plague, as there was danger of taking it from people coming from England, urged him to go to Goodman Edmonds' house, where there was a doctor woman who might do him some good. Then she called in a young man, who said the man was very ill, and the latter calling for beer, she gave him some, the young man standing by. Every time the man sipped the beer, he complained of his head and his back, and then set aside the pot and went and sat by the fire and slept. She told him that she was afraid he would fall into the fire and he looked up at her "very gashfully" and said he hoped not, that he had been sick about three weeks with what he supposed was a fever. She advised him to ride in one of the carts that often passed to Goodman Edmonds, so he went out and with great difficulty got into the cart, etc. Sworn, 30 : 9 : 1665, before John Wagt,\* commissioner.

Abraham Hill, aged about twenty years, deposed that he saw the man who died at Lynn, etc. Sworn, 30 : 9 : 1665, before John Wagt,\* commissioner.

Thomas Brown, constable of Lyn, deposed that coming to his house with the man, he thought he was either mad or drunk. Thomas Stocker thought he was bewitched. They left the man in his yard against deponent's will, and the man could not walk but fell down and made his nose bleed. At night he got lodging for him at John Newall's. Sworn in court.

George Gardner,\* Samuell Gardner,\* Thomas Cromwell,\* Thomas Rix,\* John Beckett,\* John Cromwell,\* Richard Harvie,\* John Williames,\* Henery Skerry,\* Will. Downton,\* John Pickworth\* and Samuell Pickworth,\* upon request of the constable of Salem, viewed the body of Jams Prist and judged that his death was caused by his own voluntary will, having hanged himself with a rope.

Copy of deed, dated June 1, 1665, Richard Dole of Nubury, merchant, and wife Hanah, in behalf of Phillip Nelson of Rowley, gentleman, and himself, and Henry Jaques of Nubury, carpenter, and wife An, in consideration of a purchase made by Robert Rod-

\*Autograph.

## COURT HELD AT IPSWICH, MAR. 27, 1666.

Ned a cockett, an Indian, came before the Worshipful Mr. Samuells Symonds and Major Genrll. Denison, on Dec. 7, 1665, and acknowledged judgment to John Gold. Also Humphry, an Indian, Ned a cockett's brother, acknowledged judgment to John Gold, and on Jan. 15, Humphry Coomb acknowledged judgment to Capt. Walter Price. On Jan. 17, Thomas Grant acknowledged judgment to Abraham Perkins.

Judges: Mr. Symon Bradstreet, Mr. Samuells Symonds, Major Genrll. Denison and Major Wm. Hathorne.

Jury of trials: Lift. Samuells Appleton, Ensigne French, John Ayres, John Newmarsh, John Brewer, Symon Stace, John Bartlett, Hugh Marsh, Edmond Moore, William Tenny, Rich. Holmes and Sam. Platts.

Isaack Comings of Topsfield and Sam. Graves of Ipswich were sworn constables.

John Tod v. Mr. Anthony Crosbie. Debt. Verdict for plaintiff. Appealed to Court of Assistants. Mr. Anthony Crosbie and Daniell Ela bound.\*

gers of Nubury of Joseph Jewit of Rowley, deceased, of sixty odd shares in Rowley division of Plum Island, and satisfaction made for one-third of same, and also in consideration of an award, May 2, 1665, by Tristram Coffin of Nubury, Sergt. John Knight and John Pickard of Rowley, chosen by Dole, Jaques and Susanna Rodgers, relict of Robert, do acquit said Susanna, etc. Wit: Eliz. Lunt and Joseph Hills.

Copy of bond of arbitration of Richard Dole and Henry Jaques of Newbury, yeoman, dated Mar. 27, 1665, to Susanna Rogers, for 100li. They agreed to abide by the award, etc. Wit: Nicholas Noyes and Joseph Hills.

Copy of the award, dated May 2, 1665, made by Tristram Coffin and John Pickard.

\*Writ, dated 6 : 12 : 1665, signed by Tho. Leaver, † for the court, and served by John Palmer, † constable of Rowley, by attachment of land in Rowley common field, also defendant's house, barn and orchard, and salt marsh in the marsh field commonly called "the farm."

Warrant to Mr. Anthony Crosbee of Rowley, dated Feb. 6, 1665, signed by Tho. Leaver, † for the court.

†Autograph.

Reginall Foster v. William Whittred. Slander. Withdrawn.  
Henry Russell v. Thomas Haly. For refusing to deliver a covenant. Verdict for defendant.\*

Philip Beare and Arther Abbott v. Tho. Haly, Joshua Lambe, Philip Curtice and Jo. Curtice. Review of a case tried at Salem. Verdict for defendant.†

Anthony Crosbie's bill of cost, 1li. 2s. 4d., and John Tod's, 2li. 9s. 6d.

Bond of Anthony Crosbie,‡ of Rowley, chirurgion, dated Feb. 2, 1665, to John Tod of Rowley, for 15li. 9s. 1-2d., for goods received, to be paid in wheat, pork, corn and neat cattle, etc. Wit: Anthony Austine§ and Ezekiel Northend.§

Ezekiell Northend and Antheny Austin testified that at the last appointed meeting at Richard Longhorne's, John Tod made three propositions, to give him a deed of the Merrimack land from Kimball, to take Mr. Crosbie's bill and release the bargain or to leave it all to Goodman Northend. Mr. Crosbie chose the second, but he said that there was a cow and heifer that Tod had of Daniell Wickham that he must have credit for, and a bill of 34li. of John Brocklebank's, also a horse and a colt, the latter in exchange of land, etc., charge for clearing a swamp in Sam. Brocklebank's bill. Sworn in court.

Anthony Austin deposed that he was employed by Goodman Tod to keep his accounts since July, 1664, that Tod put items in the waste book, and deponent later entered them in the ledger, etc. Sworn in court.

John Acie and Abraham Jewitt deposed that they were at Mr. Anthony Crosbie's house, etc. Sworn in court.

\*Joseph Wise, aged twenty-two years, deposed that being in company with Henry Russell, Thomas Halley, John Curtiss and Phillip Curtiss, he wrote the covenant for the voyage to Newfoundland and it was delivered to Thomas Halley, etc. Sworn in court.

Henry Russell, aged about fifty-five years, deposed. Joshua Lamb mentioned.

Joseph Wise, aged about twenty-two years, deposed as to his meaning of a covenant, etc. Sworn, 12 : 1 : 1665, before Joseph Parker,§ commissioner.

†Writ, dated Mar. 5, 1665-6, signed by Hillyard Veren,§ for the court, and served by John Stebbins,§ constable of Roxbury. Edward Woolland was plaintiffs' attorney.

Copy of the records and files in this action brought in Salem court in Nov., 1664, made by Hillyard Veren,§ cleric.

Henry Rusell§ certified that on Aug. 6, 1664, he sailed from Boston for Newfoundland in the vessel called the Mayflower,

‡Autograph and seal.

§Autograph.

John Gore, master, and in the same month arrived at Peater's Ilands where he, in behalf of his partners, disposed of some goods, as did Mr. Jinnors, factor for Mr. Peater Oliver. Then they set sail for Fortune harbor, where they put off more of the cargo, and then they sailed for the Bay of Fortune, where they landed their provisions for wintering there with the Indians for the term of the voyage. Upon Sept. 4, he returned with one of their men with the vessel to the harbor of Fortune to Mr. Jinnors' and thence to Peater's Iland to take aboard their goods and dispatch the vessel to New England. Then he and the man returned with a shallop to John Cortis, who was left there with one of their men and ten Indians. About the twentieth of the next month they had built their house and in October, said Russell and the two men went hunting and brought home to John Cortis beaver and deer in their boat. "Then I & John Cortis with one of our men went againe to Hunt & left the other man to keepe the house & wee brought home more vinson, & in November I Henry Russell & one of the Indians went with me a hunting, and John Cortice with our too men did land me & the Indian in the Harbor caled the Peecke, & they retornid to another harbor & the Indian & I went into the Contrie, & wee ware 32 dayes before wee came to our house or neare uppon, and in that time John Cortise did give to the rest of the Indians provitions to sirue them the most part of the winter & did order our to men to tranport the sagimore with three others & there provitions to a place wich the sagimore did name & there did leaue them & then I being retorned from Hunting & the Indian with me I did say to John Cortis send this Indian to the sagimore & to his company that is with him to goe in those parts wheare I haue bin for wee haue seen many beauer cabins wich wee haue not medlid withall but when the Indians retorned they did bring but one beauer skin in this time there was 3 Indians that had a cabon neare our hose & Coming often & brining no beauer I Henry Russell did demand the reason of John Cortis, & hee told me that the Indians did say the ponds ware to much frosin.

"I replied to, & said that the Indians ware lasie, & I said to John Curtis goe you with me, & thos three Indians & you shall see what may be done, this was on the 19 day of Desember or nere uppon & wee went to a beauer caben & in the space of three ours I Henry Russell did stricke too beauer with my harping Iron & had them both, before the Indians facis, & the next retornid to our hose, & about the Last of feabuary the Indians preparid for to goe a Hunting & were not to retorne before the 25 day of June insuing & I left in the house one Caske of Indian corne & some flouer, & I & John Cortis with our too men did Com done the bay the Last day of march with some provitions & with our Beauer & others & foxes skins, & there at a planters hose the 9 day of Aprill I left John Cortis with our prouisions & such, . . . then I set sayle with a bad boate with our too men to pick a Barek from the harbor of Renwes

Tho. Kimball, assignee of Twifourd West v. Daniell Ela. Debt. Verdict for plaintiff.\*

Mr. Samuëll Symonds, jr., and Henry Bennett, attorneys to Samuëll Symonds, gent., executor to Humphry Vinsent v. John Edwards. Two cases. Debt. Verdict for defendant. Appealed to Court of Assistants Mr. Samuëll Symonds and Edward Lomase bound.†

called the too sisters mensioned in our couenants for the transportation of our selues & the Indians to New England and to saue charges the partnirs was not to pay any fruit now this harbor of Renwes was from our hose one hundrid & eight Leags," etc.

Thomas Swan, aged about twenty-two years, deposed that he heard Mr. Henry Russell of Ipswich say that he shipped one of the men belonging to the Newfoundland voyage and deponent's father Hawly the other. Sworn at Boston, Mar. 26, 1666, before Edward Tyng,‡ commissioner.

John Gore, aged about thirty-one years, deposed that he shipped two Englishmen, ten Indians, etc., from Boston to Newfoundland, etc. St. Peter's Island mentioned.

\*Bond, dated Nov. 10, 1663, of Daniell Ela‡ of Haverill, tanner, to Twiford West, for 9li., to be paid in leather fit to make shoes and to pass under the seal, etc. Wit: Mary Longhorne‡ and Daniell (his mark) Lad. Mary Longhorne made oath in Ipswich court.

Twiford West,‡ of Ipswich, assigned this bill, Dec. 11, 1663, to Thomas Kimball of Ipswich. Wit: Thomas (his mark) Wiatt. Henry Bennet testified that Daniell Ela acknowledged the debt.

†Writ, dated Mar. 20, 1665, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Salem.

Samuëll Symonds, jr.'s‡ receipt to John Edward, dated 3 : 12 : 1665, for rent.

Mr. Symonds' declaration: That there was a lease between Mr. Vincent, deceased, and John Edwards, dated Feb. 18, 1657, the latter agreeing to pay 8li. 18s. yearly, that the vendor was a very aged man and the vendee should be bound by the lease, even if he had purchased a part of the land, that defendant must produce an order from Mr. Vincent to pay to Thomas Harris a certain rent yearly for the oxen, etc.

Answer: That Mr. Vincent gave the oxen to Goodman Harris, etc.

Bill of cost, 2li. 10s.

Mr. Symonds' bill of cost, 1li. 5s. 6d.

‡Autograph.

Articles of agreement, dated Feb. 18, 1657, between Humphry Vinsent and John (his mark) Edwards, both of Ipswich, for the lease of his dwelling house, barn and land within the common field on the north side of the river, also two oxen, for ten years, and two steers for three years, and two ewes, etc. Wit: Robert Lord\* and Tho. Lovell.\*

Humphry (his mark) Vincent's receipts for rent.

Thomas Harris'\* acknowledgment of a receipt, dated Mar. 20, 1665-6, to John Edwards for the rent of the oxen. Wit: James Chute\* and Nathaniell Piper.\*

Copy of deed, dated June 16, 1663, from Humphry Vincent, yeoman, to John Edwards, husbandman, in consideration of the payment of four pounds annually during the remainder of his life, all his lot at Muddy river, about eight acres, commonly called Muddy river lot, bounded on the southeast by land of Renold Foster, sr., and on the other sides by a creek. Wit: William White and John Gaines. Acknowledged, June 19, 1663, before Samuel Symonds. Copy made, Mar. 24, 1665, by Robert Lord,\* rec.

Robert Lord, aged about sixty-three years, deposed that he wrote the lease, etc. Sworn in court.

Samuell Symonds, jr., deposed that he heard Thomas Harris urge John Edwards to sue and that and he would bear him harmless. Said Symonds and Henry Bennet also deposed that Edwards said he would not pay the rent. Sworn in court.

Samuell Symonds, jr., deposed concerning demanding the rent of John Edwards, etc. One day, deponent's mother being present, Mr. Vincent asked him to plow for Goodman Harris and he said he would not unless said Vincent would see him paid. Hot words ensued and Harris came to get the oxen, but Edwards said he had sold another pair to Goodman Wyet and could not spare them, etc. Sworn in court. He further testified that one evening in February last, Thomas Harris told him that Mr. Vincent desired him to take the house and land for the agreement with John Edwards was broken, and the latter was about to hire at Goodman Whipple's farm. Cousin Harris told him that he had better get somebody else, for he was still going to sea, etc. Sworn in court.

Tho. Harris deposed that Mr. Vincent gave Mr. Symonds a letter of attorney to treat with Mr. Edwards, and also brought Vincent's will which was dated Jan. 14, 1663, etc. Sworn in court. He further testified that Mr. Vincent said he had no skill in the law but those who had more than he persuaded him that he might get the rent by law, etc. Sworn in court.

Martha Harris deposed. Sworn in court.

Thomas Lovell deposed. Sworn in court.

John Edwards affirmed that when he bought his lot of his master Vinsent, etc.

\*Autograph.

Robert Punell v. Richard Shatswell. Debt. Verdict for plaintiff.\*

Tho. Stace v. John and Nathaniell Addams. Debt. Due for rent. Withdrawn.

\*Writ, dated Mar. 22, 1665, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich, by attachment of a pair of oxen.

Robert Punell's bill of cost, 1li. 15s. 6d.

Copy of deed of acquittance, dated June 20, 1664, Robert (his mark) Punnell of Ipswich, husbandman, to Richard Shatswell of Ipswich, husbandman. Wit: John Tapping and Jonathan Negus. Acknowledged by Jonathan Negus, 24 : 1 : 1664, before Ri. Bellingham, Dept. Govr. Copy made by Robert Lord,† cleric.

John Fuller and Thomas Clarke deposed and Rich. Shatswell affirmed that the ditch which they showed to Leift. John Pike, John Emery, sr., and Jonathan Singletary was the fence now in controversy between Shattswell and Punnell, etc. Sworn in court, Mar. 28, 1665, and copy made, Mar. 23, 1665-6, by Robert Lord,† cleric.

Copy of agreement, dated Mar. 30, 1664, between Richard Shatswell and Robert (his mark) Punill, the latter engaging to ditch in Richard Shattswell's outside pasture, with a good sufficient bank for the fence, the ditch to be three feet wide on the top and two feet deep and one spit or foot wide at the bottom, also to ditch in two sides of the inside pasture, for which work said Shatswell was to pay 7li. in corn or cattle before midsummer; the worst of the swamp at the north corner was to be excepted, and Punill was to have his diet provided during ditching, if he did not leave the work above eight days, etc. Wit: Thomas (his mark) Grant. Copy made Mar. 10, 1665, by Robert Lord,† cleric.

Robert Punill, on June 13, 1664, assigned this bill to Thomas Kimball. Wit: John Kimball. Copy made, Mar. 10, 1665, by Robert Lord,† cleric.

John Kimball deposed that the ditch was made according to agreement. Sworn in court. Copy made, Mar. 10, 1665, by Robert Lord,† cleric.

Tho. Kimball deposed that Goodman Sechwell told him that Punell was to ditch from Mudi river to Mr. Juet's fence, etc. Sworn in court.

Kaleb Kimball testified that he asked Shatswell when Punell was coming home from Boston and he said with the bark of this town, etc. Sworn in court. Copy made, Mar. 10, 1665, by Robert Lord,† cleric.

Samewell Graves, aged thirty-eight years, deposed that Robert Punell came to his house for a hat and he let him have one on his master Satchwell's order, etc.

†Autograph.



Mosses Pengry v. Abraham Fitt. Verdict for plaintiff.\*  
 Mr. John Giffourd v. Capt. Rich. Walker. Withdrawn.†

\*Writ: Moses Pengry v. Abraham Fitt; for abusing an ox, so that it died; dated, Mar. 20, 1665; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich, by attachment of a cow.

Samuell Eyrs of Ipswich deposed that he saw Abraham Fitts come with a load of wood upon a sled by his house, a reasonable load for two cattle. Going over the gutter near his barn, the off bullock slipped upon the ice and he could not get him up until he had unyoked him and he was forced to call his dog to raise him, and the dog shook the bullock by the ear. After the bullock was dead, Fitts desired deponent to help him draw him to Decon Pengre's, but the latter refused it, and he went to three men to take the hide, but could get none to do it. Sworn in court.

Thomas Burnum deposed that he saw Fitts with his sled near Mr. Huberd's barn and he noticed that the bullock was very white with frost, the weather being very cold and the bullock being in a great sweat. Deponent told him he should put the bullock in a warm place as soon as he could, etc. Sworn in court.

John Lee deposed that the ox ran so fast that he could hardly catch him, etc. Sworn in court.

Robert Colines deposed that he was asked to strip the bullock and he thought death was caused by beating, etc. Sworn in court.

Robert Denton deposed that he saw one ox that had fallen by Mr. Samuel Rogers' house and he loaned him his goad, and later the ox fell down by Samuel Eires' bridge, etc. Sworn in court.

John Dane, jr., deposed that Fitts' oxen went very fast, etc. Sworn in court.

Simons Tomson deposed that following his son into the woods, etc. Sworn in court.

William Danfford deposed that Fitts beat his cattle, etc. Sworn in court.

John Edwards deposed. Sworn in court.

†Writ: John Gifford v. Capt. Richard Walker; for tearing the appraisal, being the appraiser for Capt. Thomas Bredon; dated, 14 : 1 : 1665-6; signed by Jonath. Negus,‡ for the court; and served by Rich. Wayte,‡ marshal of Suffolk. Bond of Rich. Walker,‡ Tho. Lake‡ and Tho. Breedon.‡

The appraisal, which is badly torn, mentions: 1 old Carte and wheels, 4 Gros of hookes and eies, 4 axes and one drawing knife, nayles, one lock, one sith, 1 brase kete, 1 great hooke, 1 pairr of andierns, 1 back, 1 pair Ro—anierns, 548 feet of bords, 3 Cowes, 1 yearling, 1 horse, 435 foot bords, hay for the cattell, 5 hoges, 1 bote and one pare of cueres, 1 ladder, 1 saddell and bridal and Cropes,

‡Autograph.

Edmond Bridges, in behalf of the town of Topsfield v. Samuell Cuttler. Verdict for plaintiff.

one fouling pease, one pare of stilerds, 5 ringes, 4 Grideiarns, 2 back moldes, 4 lodes of lime, 9 akres medow, 1 mine Cart, etc.

John Gifford's petition to the court that contrary to law, which allows no relative of defendant or plaintiff to serve on the jury, the foreman of the present jury was a near relative of Mr. Jno. Paine "who is Consernd in this business of y<sup>e</sup> Estate apprised with Cap<sup>t</sup> Tho. Breedon," and he requested that another man might be chosen in his place.

Capt. Walker's costs, 1li. 12s. 6d.

John Gifford's\* declaration: That the court and the marshal have done all that was within their power; that the appraisal cannot be made again according to law, and that Capt. Walker by tearing the paper proved himself an obstructor of justice, etc.

Richard Wayte, marshal, aged about sixty-six years, deposed that they were at Mr. Gifford's at the Iron works with Capt. Walker, Thomas Joy and Robert Knight, who were to appraise Gifford's estate to answer judgment granted Capt. Breedon. They looked over the inventory given them on Feb. 22 and the next morning they told deponent that they had torn it up by mutual consent. Deponent went from the little room where they were assembled to Mr. Gifford, Stephen Grover, Capt. Breedon's attorney, and others, etc. Sworn at Boston, Mar. 24, 1665, before Edward Tyng,\* commissioner.

Jno. Haukes, aged about thirty-three years, and Francis Hutchinson, aged about thirty-six years, deposed that the night the appraisers left, Capt. Walker went down to lodge at Mr. Purchase's with Capt. Thomas Lake, and in the morning Capt. Lake said that he with Mr. Gifford and Mr. Chapman would copy the inventory, etc. Sworn, 5 : 1 : 1665-6, before Wm. Hathorne. Copy made by Edw. Rawson,\* secretary.

Thomas Joy, aged about fifty-four years, deposed that he was chosen by the country to appraise the estate of Mr. John Gifford and they valued the furnace, dwelling house and lands bought of Leift. Cooke and Goodman Kileup, 260 acres, their being a difference among the appraisers. Robert Knight valued the dam at 250li. and Capt. Walker at 110li., Knight valued the furnace at 800li. and Capt. Walker at but 350li.; the dwelling house, Knight valued at 200li. and Capt. Walker at 140li.; Knight valued the land at 40s. per acre, 520 li., and Walker at 230li. As the ground was covered with snow, deponent could not view the property sufficiently to make an appraisal and they all agreed to tear the paper, etc. Sworn, 6 : 1 : 1665-6, before Tho. Clark, commissioner. Copy made by Edw. Rawson,\* secretary.

\*Autograph.

Jo. Gould v. Rich. Hutcheson. Debt. Verdict for plaintiff.\*

Mr. Edmond Batter v. Jo. Knight. Debt. Agreed.

Will. Beale, in his own behalf and as agent for his brothers v. John Peach, jr., and William Watters. Verdict for plaintiff.†

Frances Wainwright v. Mr. Edmond Batter and Walter Fairefield. Verdict for plaintiff. Court did not receive this verdict.‡

John Pickard and Ezekiel Northend v. John Woolcott. Debt. Nonsuited.

Mr. John Rogers v. John Leigh. Debt. Withdrawn.

Mr. Symon Bradstreet v. Hugh Sheratt and Elizabeth, his wife, administratrix of the estate of Humphry Griffin, and John Griffing, as administrator or agent of the administratrix. The defendant appeared and refused to plead, and the court allowed costs to the plaintiff.

John Tod v. Mr. Anthony Crosbie. Verdict for plaintiff. That the defendant give him a legal deed within one fortnight.§

Rich. Walker|| of Boston being bound to sea, on Mar. 26, 1666, appointed Thomas Lake his attorney. Wit: Tho. Breedon,|| Hen. Frencham|| and Tho. (his mark) Joy.

\*John Hutchinson, aged about twenty-three years, deposed that his father sent him to John Gold's to bring the mares home, but the latter refused to deliver them, pretending great damage done in his hay for which he required five pounds, and saying that he had taken them up for strays. Sworn in court.

Zaccheus Gould and Thomas Baker deposed that Hutchinson agreed to pay what two men adjudged the damage to be. Sworn in court.

†Writ, dated Mar. 19, 1665-6, signed by Moses Mavericke,|| for the court, and served by Samuell Ward,|| constable of Marblehead, by attachment of meadow of John Pech, and a house and land of William Watters adjoining the meadow.

‡Walter Fayerfield's costs, 1li. 1s. 4d.

Thomas White deposed that part of the corn of Richard Coy was delivered to Mr. Edmund Batter at his warehouse, also wheat, Indian and oats. As for the barn that was attached by Capt. Curwin, Richard Coy sold the barn to Walter Fairfield last Thanksgiving day and said Fairfield undertook to pay six pounds to Capt. Curwin. Deponent carried the corn to Mr. Batter for Fairfield, etc. Sworn in court.

§Writ, dated 6 : 12 : 1665, signed by Tho. Leaver,|| for the court, and served by John Palmer,|| constable of Rowley, by attachment of 700 acres of the village land, which Mr. Crosbie bought of John Pickard.

|| Autograph.

Capt. Paul White had his license renewed to still and retail by the quart.

Rich. Longhorne had his license renewed to retail liquors.

William Steevens of Gloster was licensed to sell strong liquors and sack for a year.

Anthony Bennett, being committed to the care of James Steevens, Will. Hascall and Jacob Davis by Rich. Window, his father-in-law,

Articles of agreement, dated Feb. 10, 1662, between Anthony Crosbie\* of Rowley, chirurgion, and John Tod\* of Rowley, merchant, said Crosbie giving up twenty-nine acres of upland and meadow, that is, eight acres at Planting hill, three acres of salt and rough marsh which formerly belonged to Mr. Sands, three-quarters of an acre off Cowbridge causeway, ten acres near Satchwell's bridge, five acres in Satchwell's meadow and two acres near the ox pasture, besides a bill of 28li. in the hands of John Brocklebank, also a bill of five pounds in the hands of Samuell Brocklebank; said Tod agreed to give up his interest in 100 acres of upland joining George Hadley and bought of John Griffin. Wit: Anthony Asten\* and Ezekiel Northend.\*

On the reverse of the foregoing paper, which was a leaf from an account book, and is crossed out: I owe Captaine Pike, 4li., Mr. Turner, 1li. 3s.; for his ferriage at Newbury, 4s. 4d.; To William Law, 7s. William Chandler's account for the oyl he had indian Corn, 23 1-2 bushells, 3 li. 10s. 6d.; Wheat one bushell, 6s.; Mault, 4 bushells, 1li. 2s.; 10 1-2 bushells of indian corn, 1li. 11s. 6d.; By Peter Coffin, 2li. 1s.; By John Cheny, sr., 5s. 9d.; By Stephen Greenleife, 8s.; By Tho. Hale, 6s. 6d.; By Mr. Nellson, 4s.; 1-2 bushell salt, 2s. 3d.; By Steven Swett, 4s.; total, 10li. 2s.

John Tod's bill of cost, 3li. 3s. 6d.

Richard Kimball testified to working the land. Sworn in court.

John Griffing, aged about twenty-four years, deposed that Mr. John Tod gave deponent's mother, Elesebeth Sheratt, 135li. for 100 acres of upland and meadow at Maremack. Sworn in court.

John Simmonds deposed that there were about eighteen rods of ditch around this pasture, which ditch was at 1s. per rod, etc. Sworn in court.

John Baly deposed that he lived with John Tod and broke up land for him and made a meadow of about an acre of swamp and good land out of barren. Also that Tod fenced in a pasture with log fence and a ditch, etc. Sworn in court.

Joseph Horslee deposed that he bought land of John Tod and later Mr. Crosbee said that the land belonged to him and he should charge rent for it. Sworn in court.

John Pa mer, constable, deposed that he left the attachments at Mr. Crosby's house, etc.

\*Autograph.

court ordered that he remain under their care until he chose a guardian.

Thomas Riggs of Gloster was allowed clerk of the writs.

John Sorlah had his license renewed to keep ordinary and draw wine and liquors for a year.

Mr. William Perkins was fined for excessive drinking.

Thomas Kimball acknowledged that there were 40s. of the bill paid to Twyfourd West and that he sued for 7li.

Roger Preston, dying intestate, and no one appearing to take administration, court ordered that it be left in the hands of Thomas Preston until the next Salem court, he to dispose of the hay. He was also to bring in an inventory.

Court being informed that the widow Preston had put out two of her sons, one to Thomas Johnson and another to Stephen Johnson, until twenty-one years of age, upon terms agreed, it was allowed and Mr. Bradstreet was to see it done.

Henry Jaquis, upon proof of his offence of fornication with Elnor Bryer, a warrant being out to apprehend him and he fleeing, was ordered to appear in court upon penalty of having 30li. of his estate seized and of being disfranchised.

Elnor Bryer was ordered to be whipped or pay a fine of five pounds for fornication. John Knight undertook to pay it for her.

Richard Sutton, upon his presentment, was bound to good behavior.

Thomas Smith was released from training, paying a bushel of Indian corn per annum to the company.

Francis Wainwright had his license to sell strong waters renewed for one year.

Moses Pengry and Mr. Baker had their licenses to keep ordinary and to draw wine and liquors renewed.

Stephen Swett had his license to draw liquors renewed for a year.

Mr. Moses Maverick had his license renewed for a year.

Thomas Bishop was licensed to sell strong liquors for a year.

John Tod was licensed to sell wine by the gallon and liquors by the quart for a year.

Mr. Jonathan Wade had his license to sell liquors renewed for a year.

John Peach and William Watters, complaining unjustly against Moses Bradstreet and William Beale, the latter were allowed costs.

Mary Bishop and John Leigh were abated 50s. of their fines.

William White was released from training, paying a bushel of Indian corn yearly to the use of the company.

Marke Quilter was discharged of his bond for good behavior.

Mr. William Perkins appeared in open court Mar. 28, and publicly exhibited a complaint or accusation against Mr. Thomas Gilbert, minister of Topsfield, that in public prayers and sermons at several times he uttered speeches of a high nature, reproachful and scandalous to the King's Majesty and his government, mentioning several witnesses. Court issued warrants for said Gilbert's and the witnesses' appearance, and on Mar. 29, they appeared and were sworn. The court, apprehending the case to be extraordinary, both in its nature and tendency, without precedent in this country, and there being no laws here to provide against such offences, whereby any inferior court might be directed, they referred the matter to the next General Court of Election, all parties to appear there. Thomas Gilbert was bound in 1000*li*. Mr. Thomas Cobbitt and Mr. William Hubberd, sureties.\*

\*Wm. Perkins, † sr.'s complaint: "Impri. Hee, y<sup>e</sup> s<sup>d</sup> mr. Gilbert in his publiq Ministry s<sup>d</sup> Where is their God, & good Causes This hath oft bin Cast in y<sup>e</sup> saints dishes since y<sup>e</sup> king Came to y<sup>e</sup> Crowne, & this last sad — hath bin made, 2<sup>ly</sup> Bee not troubled for this last sad puidence w<sup>ch</sup> hath befallen our Native Countries though it bee a most sad one: christ hath all power, & is by this a Ripening his Church for deliverance, let us therefore Resolue to stand or fall w<sup>th</sup> y<sup>e</sup> Church of Christ, whose side is y<sup>e</sup> strongest side 3<sup>ly</sup> As y<sup>e</sup> Apostles, when they sawe Christ dead & buried thought themsel. mistaken in taking him for y<sup>e</sup> Savior, & messiah pmised, soe (said hee) God hath deceived us, Wee looked for glorious dayes, for dayes of Reformation, in England, Scotland, & Ireland; but he held a Crooked providence hath Crost our expectation, God hath befoold us all. 4<sup>ly</sup> What a braue day had wee in England &c, but wee fell a quarrelling each w<sup>th</sup> other, & have lost all, 5<sup>ly</sup> Judgement begins at God his house, to unite God his people who in time of Peace will fall out for 6<sup>th</sup>, as in R Eliza<sup>th</sup> time, soe y<sup>e</sup> Presbytereans & Independants in y<sup>e</sup> Protectors dayes; but now since y<sup>e</sup> King is Come in, they would bee glad to agree each w<sup>th</sup> other if they might. 6<sup>ly</sup> I am loath (said hee) to make such a Construction of y<sup>e</sup> prodigies w<sup>ch</sup> haue hapned in old Ingl: y<sup>e</sup> like to w<sup>ch</sup> were never knowne; what God meanes I knowe not, but sure I am it lyeth very heavy upon God — his people in Ingl. Scotl. & in Ireland. 7<sup>ly</sup> praying hee desired God to saue his people in old Ingl. wading under great oppression: y<sup>e</sup> purity of Religion (s<sup>d</sup> hee) is y<sup>e</sup> Controversy this day, Lord iudge twixt us & others,

†Autograph.

who is in y<sup>e</sup> Right, & hauing made mention of y<sup>e</sup> King, & Bishops, & such like in England: Auenge thyselfe (s<sup>d</sup> hee) on them, y<sup>t</sup> are no true freinds to Christ. 8<sup>ly</sup> Praying for y<sup>e</sup> people of God in old Ingl. whome hee mentioned as under sad pressure, & heavy oppressions, hauing lost their godly Ministers, (hee s<sup>d</sup>) wilt thou not auenge thine Elect oh Lord, who cry unto thee dayly? Auenge them (s<sup>d</sup> hee) auenge them, & y<sup>t</sup> speedily. 9<sup>ly</sup> In his 1<sup>st</sup> marke of a Thorough Conuiction, hee s<sup>d</sup> If I doe soe or soe, the King & his Commissioners will take away my house & lott, but y<sup>e</sup> true Couert will say Let all goe rather then fle sin; I speake upon experience, for I was put upon it, in old Ingl. ether to let a good Livelyhood goe, or to act against my Conscience, but I shrink not at y<sup>e</sup> pting w<sup>th</sup> all there, & I hope God will helpe mee to part w<sup>th</sup> Topsfeild also.

“10<sup>ly</sup> Hee s<sup>d</sup> further, y<sup>e</sup> saints shall never bee quiet, but bee hanged, drawne & quartered till y<sup>e</sup> wicked bee in hell, but y<sup>e</sup> needy shall not alway be forgotten 11<sup>ly</sup> praying hee begged of God ether to forgiue y<sup>e</sup> King his piury, or to make him sensible of it, or to give him Repentance for it. 12<sup>ly</sup> A poore dead saint is better y<sup>n</sup> y<sup>e</sup> Prince upon y<sup>e</sup> Throne, y<sup>t</sup> is wicked & piured, Mistake mee not, as if I spake concerning our King, God preserue our King, & teach him to take good Courses, & remooue euell Counsellors from him. 13<sup>ly</sup> It. Tis better to bee heere poore, & to liue in y<sup>e</sup> wilderness being Couenant keepers, then to sit on y<sup>e</sup> Throne & bee Couenant breakers. 14 It. Hee begd of God to Couert y<sup>e</sup> King, & ye Royall family from their Idolatry & supstition: such expressions hee oft used. 15 & y<sup>e</sup> 12 of Febr. 64. hee used y<sup>s</sup> expression applied to y<sup>e</sup> King also. 16 It. Follow not any tho neuer soe great, or graue, further then they followe Christ: The King (s<sup>d</sup> hee) did soe, yea, but if we doe soe, wee may goe to hell; 17 It. The wicked shall bee burned into hell, &c. because God is able to throwe them thither, whether they bee great or smale, S<sup>r</sup> John such an one, My Lord such an one, My Lady such an one & my Sovereigne such an one: 18 It. In prayer hee s<sup>d</sup>, Wee are apt to Complaine of o<sup>r</sup> King, & Parliament, & Gou<sup>rs</sup>: but Wee haue more neede to Complaine of our sel. & sins; twas our sins, y<sup>e</sup> sins of Professors, that Caused these Changes, were it not for our sins, God might (for ought wee knowe) make our King a saint, yea an eminent saint; hee made a Saul a Paul, & why may he not doe as much for our King? did not our sins prevent mercy from us: 19 If there were no punishment for wicked men after this life, then y<sup>e</sup> Bishop of London, Yorke, & S<sup>t</sup> Andrewes, &c. would bee y<sup>e</sup> big prestmen, as ungodly men, who only minde this world, pessedly wicked.

“20. True knowledge is a growing knowledge, when as other knowledge opposed by Princes dyeth away, &c. The L. (s<sup>d</sup> hee) blesse our King, let us pray for our K. but if our King bee out of y<sup>e</sup> way, or in a wrong way: Let us not part w<sup>th</sup> our Religion to serue the humor of Princes, or men: 21 It. A 3<sup>d</sup> use to showe y<sup>e</sup> Reason why y<sup>e</sup> godly dare not appeare in Ingl. to fast, & pray, &c. he

added, But there is a time a Coming or hastning, when y<sup>e</sup> scale shall bee turned. Praying for y<sup>e</sup> King, hee desired God to remooue from him Flatterers, & Clan-backs, & to place about him such as are faithfull; 23. It. upon psal. 120.10. hee s<sup>d</sup>, when y<sup>e</sup> Parliament shall Cut soe many eminent Ministers of their employments, This made y<sup>e</sup> Act more bitter, then if y<sup>e</sup> Bishops had done it, This (s<sup>d</sup> hee) argues God angry w<sup>th</sup> us; thus hee acknowledgeth y<sup>t</sup> y<sup>e</sup> Parliament Cuts Ministers, yet in another Article hee saith y<sup>t</sup> such as silence ministers, are as Paul termes Elymas, y<sup>e</sup> Children of y<sup>e</sup> Deuill, enemies of all Righteousness, 24. It. praying hee desired of God y<sup>t</sup> it might in y<sup>e</sup> 3 kingdomes Engl. Scotl. & Ireland, goe well w<sup>th</sup> all, y<sup>t</sup> suffer for a good Conscience, & for that blessed Couenant, & y<sup>n</sup> hee added what shall it bee Counted a Crime, fitt to be punished by y<sup>e</sup> Judges, to pleade for it. 25. I came hither to N. E. (s<sup>d</sup> hee) to keepe my selfe from piury, from prelates, from Common-prayer-booke: & shall wee now yeald to these, to please princes, great men, to gett a Liuing, & belly Timber. 26. After y<sup>e</sup> Newes Came of Gillom his being taken, hee prayed to God to shewe Engl. y<sup>e</sup> Cause of his Contending w<sup>th</sup> y<sup>m</sup> by sword & pestilence & y<sup>n</sup> hee added, y<sup>t</sup> God was now auenging y<sup>e</sup> quarrell of y<sup>e</sup> Couenant, against them: & something hee spake of God his taking our ill-willers to taske, & oft hee Called them to account by his puidence against them, blasting them & their enterprises. 27. The last Sabbath in 8<sup>br</sup> 65. in prayer hee s<sup>d</sup> y<sup>t</sup> God was now auenging upon them y<sup>e</sup> breach of y<sup>e</sup> Couenant, & though ministers durst not say soe, yet God him-selfe was a pclaiming to y<sup>e</sup> worl'd, how horrid a sin it is to breake Couenant. Besides seuerall other unfitting expressions Concerning many others, w<sup>ch</sup> (loath to bee too troublesome) I omitt." Sworn in court.

Wm. Evans, aged about forty years, deposed. Sworn in court.

Thomas Howlet, sr., aged about sixty years, and James How, sr., aged sixty-one years, deposed. Sworn in court.

Richard Hutten deposed that he heard Mr. Gilbard preach at Wennam about four years ago, and expounding the second Psalm, "I haue sett my king upon my holy Hill," he said that Christ Jesus should reign in spite of all the devil's kings, do what they can. Sworn in court.

Isaacke Cummings, sr., aged sixty-five years, deposed that "I haue seriously Considered of all the perticuler Charges giuen in vnto the Honored Courte against the said master Gilbird of Topsfeild, it is well knowne both to Topsfeild and Ipswich y<sup>t</sup> I stand Related to Ipswich Church in which respect I haue bene many saboths at Ipswich," etc. He testified to a few things that he heard and he considered such remarks "not safe or y<sup>t</sup> which did not concerne master Gilbird to meddell withall." Sworn in court.

Edmon Bridges, aged twenty-nine years, deposed that Mr. Gelbart said at Mr. Cobbit's that he heard that the King's bastard son was dead, and upon being reproved, said "may not a man spak the treuth." That he said God was auenging the breach of that



Mr. Ezekill Rogers, paying 20s. for entering an action, the verdict being above 20li., the case being cast against him, 10s. were remitted.

Thomas Lovell, complaining of some leather sealed by the sealer of Salem, which appeared to be not sufficiently tanned, court ordered him to dispose of it according to law.

James Sanders was ordered to pay John Leigh costs and damages in review of an action tried before Mr. Samuell Symonds. James, having charged Goodwife Lee with theft and yet saying that he thought in his conscience she was clear, was sentenced to sit in the stocks one hour or pay 40s. fine. His bond for appearance was forfeited.\*

blessed covenant by visiting the land with sword and pestilence, speaking of Charles I., and also used this expression "Good lord be intreted for the son thoue thou wouldst not for the father." Also, that there was a blessed covenant made between the King and Scotland, which the King had broken and that God would never let it go unpunished. Also in expounding the second Psalm he said "be wise you king, the kings of y<sup>e</sup> erth ar assis and thay ar the scum of the erth let the devills kings dow what thay can against us if we stand for king Christ."

Daniel Hovey, aged forty-eight years, the 29 : 1 : 1666, deposed. Sworn in court.

Edmund Towne deposed that the substance of Mr. Perkins' indictment against Mr. Gilbert was true, etc. Sworn in court.

\*Warrant, dated Mar. 19, 1665, to James Sanders, John Leigh's wife having new evidence against him, signed by Samuel Symonds. † Robert Lord, † marshal of Ipswich, appointed John Lee, jr., his deputy. Bond of James Saunders; Henry Bennett and John Kimball, sureties. Also summons to witnesses, Mr. William Hubbard, Mr. Robert Payne, Robert Lord, jr., Tho. Newman, John Lead, Robert Punell and John Leigh, jr.

John Leigh's bill of costs, 3li. 10d.

Warrant, dated Nov. 10, 1665, to the wife of John Leigh, signed by Samuel Symonds. † Also summons to witnesses, Robert Lord, sr., Henry Bennett, Samuel Hunt and Usdale Wardell.

Goody Leigh's petition: That she had owned to the theft through a misunderstanding and having no one to plead her cause who knew the circumstances fully or who was present at the agitation before the elders, etc.

Mr. William Hubbert deposed that James Sanders told him in the meeting house not long after he had complained of Goodwife Leigh for stealing linen cloth that he believed the woman meant no harm. Also that he owed her more than that came to, and that

†Autograph.

Laurance Clenton, presented for lying, cursing and cheating, was sentenced to be whipped or pay 40s., "before the court rise."  
Court adjourned to May 9.

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he would never have sued her, had he not been set on by some in the church. Sworn, Mar. 23, 1665, before Samuel Symonds.\*

Robert Lord, jr., deposed concerning the accusation about the piece of osenbrig. Sanders said Goodwife Leigh gave him a bushel of corn to buy a pair of gloves to run away with, etc. Sworn, Nov. 16, 1665, before Samuel Symonds.\*

John Leigh, jr., deposed that Sanders offered to sell the linen to his mother for less than it cost him, and he told her that her son Joseph owed Sammuell Yonglov, and she might let him have it for pay. Deponent's mother replied that she could pay Younglove in some other way, etc. Sworn in court.

Samuel Hart deposed that he was at Mr. Hubbard's when Goodwife Lee was examined before the elders, etc. Sworn, Nov., 1665, before Samuel Symonds.\*

Memoranda made at the examination.

William Hubbard\* testified that Goodwife Leigh said that she gave something in exchange for what she had of James Sanders, such as yarn and stockings, etc. Sworn, Mar. 23, 1665, before Samuel Symonds.\*

Robbeard Punel deposed. Sworn, Mar. 22, 1665, before Daniel Denison.\*

Samuell Hart deposed that at the examination Sanders said that Goodwife Lee gave him the corn to take to the glover's to pay for a pair of gloves, to which Mr. Cobbit answered that he had given her good account of the bushel of corn, etc.

John Leads and Robert Punell deposed that in Caleb Kimball's house, they talked with James Sanders, etc. Sworn in court.

Robert Payne\* deposed that "at our Teachers house," he heard, etc. Sworn in court.

Mary Kimball deposed that Goodwife Lea told her that she wondered that her husband would lie so at Mr. Symonds' house. Deponent told her that she was sorry for her sin and that she had brought herself into trouble, to which Goodwife Lea replied that she had stolen the cloth no more than she, etc.

Will of Andrew Hodges, dated Oct. 11, 1665, was proved, 27 : 1 : 1666, by Dea. Thomas Knowlton and Theophilus Willson: "I give to my beloued Wife fieve pound a year during hear naturall life to be paid her as followeth sixe bushel of wheat and the rest half in molt and the other half in Indian also I giue her two Cows and a Red heyfer and two sheep and these are to be maintayned by my ground so long as she liues as hir own and half of the wool of the rest of my sheep and I giue to my wif the wool and yarn in the house also I giue her my swine and I giue to my wife Twenty

\*Autograph.

## COURT HELD AT SALISBURY, 10 : 2 : 1666.

Grand jury: Lt. Challis, foreman, Henry Brown, Wm. Allin, Jno. Weed, Tho. Carter, Rodge Langton, Jno. Jonson, Jonathan Thing, Wm. Fuller, Godfrey Dearborn, Robert Smith, Nath. Weare and Henry Dow.

pound to be at her disposing and my household goods be for my wiues youse so long as she liues vnles she se cause to take part of them in payment of the twenty pound I haue giuen her also I giue to my Wife and her Grandchild three pound to buy them som parrell also my kinsman Ghiles is to find her Wood as long as she liues my Wif paying hir for the Cutting of it out in Aples or otherwise and my wif is to haue her liueing in the house and the youse of the ground about it her life only the barne to be at liberty for my kinsman and I giue to the poor of this Town five shillings a year after my Wiues death for euer also I giue to the Colledg of Cambridg hear, five pound to be paid after my Wiues death in five year by twenty shillings a year for the good of poore skollers also I giue to henry Bennit five pound and to Edward Walden forty shillings and to Mr. Cobbet forty shillings and to Mary quilter forty shillings and to Theophilus Wilson twenty shillings and these legasys to be paid in thre year after my death, and to my cossen Ghils Berdly I giue my house and ground about it after my Wiues death, and all my other ground both meddow and upland and cattle and sheep with my wearing parrell at my death and for the performanc of this my will I bind ouer my house and ground to my two ouerseers and I mak my Cossen Ghiles Berdly my Execetour and Decon Knowlton and Theophilus Wilson my two ouerseers and giue them powr in case of not performenc of my will to dispose of my hous and ground for the discharging of my will." Andrew Hodges.\* Wit: Theophi us Wilson\* and Thomas Knowlton.\*

Inventory of the estate of Andrew Hodges of Ipswich, lately deceased, taken Jan. 16, 1665, by Robert Lord\* and Jacob Foster,\* and allowed, Mar. 27, 1666, in Ipswich court: Wearing apparrell, 10li.; a fether bed, 2 feather bouldsters & 2 pillows, an old blankett & ould rug, 7li.; little flock bed, 1li.; one bedstead & cord, 1li. 10s.; a paire of curtaines & valence, 1li. 18s.; trundle bed & cord, 10s.; flockbed, 1li. 15s.; one fether pillow with a new tike, 9s.; one old fether pillow, 3s.; one woole pillow, 3s.; a blankett of trucking cloth, 12s.; 2 old blankets, 3s.; an old darnacle coverlett & curtaine, 4s.; one paire of flaxen sheetes, 1li. 3s. 4d.; one old worne fine sheete, 7s.; 2 paire old corse sheets, 10s.; 3 corse sheetes, 14s.; one corse table cloth, 5s.; a flaxen table cloth, 6s. 8d.; one napkin, 3s. & 4 napkins at 5s., 8s.; one paire of fine old pillow beeres, 5s.; two paire corse pillow beeres, 8s.; 4 corse towells, 3s.; a trunk, 6s. 8d.; a broad box, 3s. 4d.; a desk, 2s. & 3 old boxes, 3s., 5s.; a table & forme, 12s.; 3 darnacle curtaines, old ones, 4s. 6d.; one

\* Autograph.

Jury of trials: Henry Palmer, foreman, Jno. White, Isaac Buswell, Jno. Dickison, William Barnes, Wymond Bradbury, Tho. Mudget, Jno. Gillman, Jno. Fulsham, Mr. Henry Dearing, Henry Robie, Jno. Smithe. James Pecker, in Mr. Colcord's cases, and Tho. Philbrick and Jos. Dow in the case between Fulsham and Cpt. Shapleige.

Godfrey Dearborn fined for not appearing to serve on the jury.

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great chaire, 3s.; two chaires, 3s.; two old cushens, 2s.; a paire of Andirns, 6s.; fire pan & tongs, 5s. 6d.; a paire of bellows, 2s.; 2 smotheing Irons, 2s.; a lookeing glase, 10s.; a leather case, 6d.; a bible & 2 little bookes, 10s.; one grt. Iron pott, 18s.; a little Iron pott, 6s.; one Iron kettle, 4s. 6d.; a small Iron pott, 2s. 6d.; brase pott, 12s.; two brase kittells, 16s.; a skillet & little kettell, 3s.; chafen dish, 5s.; 2 skimers, 3s. 6d.; brase mortar & pestle, 6s.; old warming pan, 5s.; a spitt & bread bowle, 3s.; a frying pan, 2s. 6d.; 3 grter pewter dishes & a plate, 1li. 4s.; 4 smaller dishes of pewter, 10s.; a vearged bassen, 8s.; a peece bassen, 3s.; pewter candlestick, 3s.; pewter salt, 2s. 6d.; wine quart. pott, 4s. 6d.; an ale quart. & pint pott, 6s.; 4 poringers, 3s. 4d.; 3 pewter sasers, 2s.; 4 ocumy spoones, 1s. 4d.; a dripping pan & puding pan, 3s.; pan, fish plate & tunell, 1s.; earthenware, 4s. 6d.; pewter chamberpot, 2s.; a paire of taylours sheeres, 1s. 6d.; a paire of pincers, 1s.; a broad grat, 8d.; hamer, ager, chissell & old goudg, 3s.; a mortiseing axe & a handsaw, 3s.; 2 sives, 2s. 6d.; cheesepres, 4s.; cubbard, 10s.; 2 little old tables, 3s. 6d.; beetle rings, 2 old axes & 2 wedges, 7s.; old spade, broken pikax, old how, 1s. 6d.; wooden dishes, 2s.; paile & pigin, 2s. 6d.; tramell, 4s.; 3 trayes, bowle, 2 keelars, 8s.; a red rugg, 15s.; a trunck, 6s.; poudereing tub & chirne, 7s.; 2 firkinges & salt, 3s. 6d.; 3 beerefirkinges, 4s.; about 3 peackes of wheate, 3s. 9d.; tobaco in the leafe, 2s.; pott of butter, 7s.; in pourke, 2li. 10s.; hatchell, 4s.; scales & waites, 1s. 6d.; coslet & pike, 1li. 5s.; sea chest, 8s.; English corne, 4li. 15s. 9d.; Indian corne, 3li. 19s. 6d.; 2 lenen wheeles & a wollen one, 10s.; halfe bushell, 2s.; tub & little ground malt, 3s.; an old cart rope, 2s.; 8li. of fleese woole & 3 of lambes, 14s.; 12li. cotton woole, 12s.; sheepes woole, 7s. 6d.; cotton yarne, 7s. 6d.; woollen yarne, 15s.; paire of pothookes & a houre glase, 2s.; 2 bullocks, 11li.; 4 cowes, 18li.; a steere, 4li. 10s.; heifer, 3li.; 2 calves, 2li. 10s.; 9 sheepe, 4li. 10s.; harrow, 3s.; one yoke & one chaine & span shakell, 11s.; halfe the cart & plow, 1li.; tub to scald hoggs, 2s.; 3 piggs, 18s.; laders & forkes, 6s.; sword, 8s.; apples, 6s.; two baggs, 4s.; house, barne and homestead, 50li.; 28 acres of upland & meddow, 112li.; 2 pr. cards, 3s.; cotton woole, 18d.; cheese, 5s.; debts due to the estate, 1li. 10s.; total, 228li. 19s. Debts due from the estate, 19li. 6s. 8d.

Civil cases:—

Town of Exiter v. Jno. Fulsum, sr. For not giving an account and making satisfaction for a parcel of masts which he had from Exiter commons, as the town order enjoined him. Verdict for plaintiff, in goods at 50 per cent. from England and in money.

Capt. Rich. Waldern v. Christo. Palmer. For irregular and illegal proceeding about an execution granted to Israell Wight at a Court of Assistants, Sept. 6, 1664, whereby plaintiff was much damnified in grass and hay upon some land at Sandy Point, near Exiter river. Verdict for defendant. Court did not consent.

Mary Deale, widow v. Ed. Clark, administrator of the estate of Wm. Deale. For refusing to pay 10li. due for a gray stone horse which was given by her father Setchell to her, and sold by her husband to Capt. Pall White, contrary to her order. Agreed by plaintiff and defendant that this action be tried by the bench, and the court found for defendant.

Ed. Go[ve] v. Nath. Wear. Defamation. For saying that plaintiff had interlined his bill of sale. Verdict for plaintiff.

Jno. Fulsham v. Major Nicolas Shapleigh and Jno. Gillman. For debt due upon agreement, three-fourths of 137li. due to plaintiff as agent for the town of Exiter by contract. Verdict for plaintiff. Appealed to next Court of Assistants.

Nath. Weare v. Ed. Gove. Trespass. Upon land purchased by plaintiff and Eliakim Wardall of Tho. Kimball, by claiming part of plaintiff's land at the westerly end of thirty acres and for denying a passageway at the southeasterly end adjoining Mr. Wheelwrite's farm, leading to Salisbury line. Verdict for plaintiff, the highway sued for at the end of that land that was formerly Mr. Wheelwrite's farm, which way was ordered to be laid out through Wardall's land two rods wide. Appealed to next Court of Assistants.

Christo. Palmer v. Capt. Waldern. Trespass. For coming upon his marsh at Sandy Point in Quamscot patent, driving his men away from their work and taking away plaintiff's hay and grass and laying claim to said marsh. Verdict for plaintiff. The court did not consent.

Jno. Gilman acknowledged the agreement between himself, Jno. Fulsham and Major Shapleigh, in open court.

Rob. Clement v. Ed. Clark, administrator of the estate of Wm. Deale. Debt. Verdict for plaintiff.

Edw. Colcord v. Christo. Palmer. Review of an action tried at Hampton court in Oct., 1662, concerning a horse with a white face. Verdict for defendant.\*

Edw. Colcord v. Christo. Palmer. Review of an action tried at the last Salisbury court, concerning four acres of meadow lying near the beach which was sometimes Will. Wakfeild's. Verdict for plaintiff. Appealed to next Court of Assistants.

Ed. Colcord v. Town of Hampton. For giving away four acres of marsh on the south side of Falls river, belonging to plaintiff, and contrary to an agreement made with the selectmen and the elders, called the nine men. Verdict for defendant. Court did not concur, and so it went to the Court of Assistants by law.

Jno. Sanders v. Town of Hampton. For not allowing him the grant of ten acres of marsh granted to plaintiff in 1642. Withdrawn.

Edw. Colcord v. Nath. Boulter. Review of an action at last Salisbury court concerning a piece of land near mill brook. Verdict for defendant. Court did not concur.

Ed. Colcord v. Joana Tuck and Jno. Samborn, administrator of the estate of Robert Tuck of Hampton, deceased. Review of an action at Hampton court, 3 : 8 : 1654, for debt.

Ed. Colcord v. Henry Roby. Review of an action at Salisbury court concerning a piece of planting land near the house of defendant. Verdict for defendant. Court did not concur.

Christo. Palmer v. Edw. Colcord. Review of an action at last Salisbury court for not making good three parcels of land according to writing, dated Mar. 16, 1660-61. Verdict for plaintiff.

Nathanell Weare v. Edw. Gove. Trespass. For cutting down many trees upon his land, which he bought with Eliakim Wardall of Thomas Kimball, at the westerly end of plaintiff's division.

James Davis, sr., Henry Palmer and William White were confirmed commissioners to end small causes for Haverhill.

Nathanell Boulter was dismissed from all ordinary trainings, allowing 6s. per annum to the military company of Hampton.

Mary Brey of Exiter was granted administration upon the estate of her deceased husband, Rich. Brey, and was ordered to present

\*Writ, dated 4 : 2 : 1666, signed by Samuella Dalton,† for the court, and served by Abraham Drake,† marshal of Hampton, by attachment of house and land of defendant.

†Autograph.

an inventory to the next Hampton court, that there might be a division of the estate for the widow and children.

Sam. Colby was admonished for abusing the watch.

Wm. Brown was dismissed from ordinary trainings, paying 5s. per annum to the military company of Salisbury.

Tho. King of Exiter was freed from ordinary trainings, allowing 6s. per annum to the military company of Exiter.

Tho. King was allowed to keep the ordinary in Exiter and to sell beer, wine, strong waters, cider, etc., at retail.

Tho. King was sworn viewer and culler of staves at Exiter.

Wm. Tayler of Exiter was freed from ordinary trainings and watchings in Exiter.

Isaac Cole was discharged of his bond for good behavior.

Elizabeth Sharrat was licensed to keep the ordinary for Haverhill for the ensuing year.

Mr. Jno. Gillman, Ralfe Hall and Jno. Robinson were sworn commissioners to end small causes for Exiter.

Nicolas Lissen was restored to his former liberty of giving evidence in court.

Jno. Severans had his licence renewed to keep the ordinary for Salisbury.

Steven Flanders was fined for breach of the peace.

Sam. Getchell was fined for breach of the peace.

Fees allowed to Joseph Hall of Exiter for carrying a hue and cry.

Capt. Robert Pike, Mr. Tho. Bradbury and Richard Wells were sworn commissioners to end small causes in Salisbury.

Walter Tayler was discharged of his bond for good behavior.

Jno. Severance was licensed to keep the ordinary for Salisbury.

Jno. Colby's bond for Nath. Barnard's good behavior was abated.

Ordered to pay Jno. Ilsly 15s. for carrying the votes to Boston for nomination of magistrates.

Capt. Walter Barefoot and Mr. Peter Coffyn bound for Major Nicolas Shapleidge's appearance at the next Court of Assistants.

Mr. Henry Dearing's license to keep the ordinary for Hampton was renewed.

Edw. Gove and Christopher Palmer were bound for Edw. Gove's appearance, etc.

Robert Ring was allowed packer and guager for Salisbury.

Jane, wife of Steven Flanders, convicted of telling lies, for making debate among neighbors and casting great reproaches upon

several, also having acknowledged that she was often "distempered in hir head," was ordered to be disenabled for giving evidence and bound to good behavior. Upon proof of breach of her good behavior before Capt. Pike and Mr. Tho. Bradbury, she was to be whipped ten stripes upon lecture day, when court appointed the constable to perform the same.

Exiter was ordered to build a sufficient foot and horse bridge over Exiter river, at the place laid out by the men appointed, to be finished before the next Hampton court, upon penalty of twenty pounds.

Ed. Gove was fined for breach of the peace in laying violent hands upon Nath. Weare.

Isaac Morrill chose William Osgood as his guardian and the court approved it.

Jno. Samborn and Jno. Severans bound for the former's appearance.

Margerite Griffin, for committing fornication, was ordered to be whipped twelve stripes after the birth of her child, and Capt. Christopher Hussie was to see it done at Hampton upon lecture day immediately after lecture, or pay a fine.

Nath. Barnard, having broken the peace and not appearing, forfeited his bond.

Ordered to give Capt. Waldern's writings and leave copies in court.

Christopher Palmer and Henry Robie bound for the former's appearance.

Capt. Richard Waldern bound for Edward Colcord's appearance.

Allowed ten shillings to the servants of the house.

Allowed Marshal Lord 20s. for attendance upon the Worshipful Major Hawthorn.

Jno. Young of Exiter was summoned to Hampton court to answer a presentment for selling liquors to an Indian contrary to law.

#### COURT HELD AT IPSWICH, MAY 9, 1666.

On Apr. 12, 1666, Edward Leathers came before Mr. Samuell Symonds and Major Genrll. Denison, the clerk being present, and acknowledged judgment to Mr. Henry Russell.

Mr. Harlackenden Symonds, for driving cattle on the Lord's day, was fined.



Mr. Peeter Duncan, constable, was fined for not returning a warrant.

Daniell Buttler, presented for profanation of the Sabbath, mixed with lies, was ordered to be whipped or pay a fine. William Quarles and Obadiah Bridges were fined for being with Buttler.

Henry Jaquise was fined for misdemeanors, and ordered to pay fees to Anthony Mose and Fran. Thurly and wife.

Thomas Thurrell and John Baker were discharged of their presentment.

Richard Bryer was discharged of his presentment.

John Smith's presentment for being in drink was left to the grand jury.

James Browne was fined upon his presentment and ordered to pay fees to Sam. Platts.

Ordered that Thomas White have the right to receive the rent of his mother Martha Halfield's farm for her maintenance.

Elder John Whipple and Mr. Richard Hubberd were ordered to let the widow Halfield have as much linen as she needed for her supply or to deliver it to Thomas White for her use.

Robert Crose, and Martha and Rachell, daughters of widdow Halfield, were summoned to appear at Ipswich court in September to examine further concerning the estate of widdow Halfield.

Joseph Leigh was discharged of his bond for good behavior and John Leigh as surety.

James Sanders appeared and his sureties were released.

Five shillings were given to the house.

#### COURT HELD AT SALEM, 26 : 4 : 1666.

Judges: The Worshipfull Mr. Symond Bradstreete, Mr. Samuell Symonds, Majr. Danyell Deneson and Majr. Wm. Hathorne.

Jury of trials: Leift. Tho. Putnam, Mr. Eleazer Hathorne, Mr. John Corwin, Mr. Joseph Gardner, Mr. Jonathan Browne, Lott Conant, Isaack Williams, Jacob Davis, John Ramsdell, Tho. Marshall, Tho. Banecraft and John Peach, sr.

Copy of Obadiah Antrum's receipt, dated 3 : 3 : 1664, to Edmund Batter, for 221li. 6s., the amount paid him out of his father's estate. Wit: Hillyard Veren. The latter made oath, 29 : 4 : 1666, to Antrum's signature.

Civil cases:—

Selectmen of Marblehead v. William Poat and Edward Yard. Court, to whom this action was referred, adjudged that 13li. 10s.

already due to — Morrice whom they hired for one year, be paid to plaintiffs by defendants for the charge and cure which the selectmen had incurred about said Morrice, and 4li. 10s. more due to Morrice Nov. 1, the end of his year. Defendants were also to pay to plaintiffs toward Morrice's further charge, if he live so long, 18li., his full wages for a year.\*

Richard Bellingham, Esq. v. Bray Wilkins and John Gingell. For injuriously and forcibly holding possession of a farm many years after it was legally forfeited. Verdict for defendants. Court did not accept the verdict.†

\*Bill of charges, 1li. 5s. 6d.

†Writ: Richard Bellingham v. Bray Wilkines and John Giongion, alias Gingell; for holding possession of the farm after the mortgage was foreclosed; dated June 19, 1666; signed by Jonath. Negus,‡ for the court; and served by William Howard,‡ marshal general's deputy.

Bray Wilken's bill of cost, 1li. 9d.

Ri. Bellingham§ of Boston, Governor of the Massachusetts, on June 25, 1666, gave letter of attorney to William Howard of Boston. Wit: John Smith.‡ Sworn by John Smith, 26 : 4: 1666, before Hillyard Veren,‡ cleric.

Edward Micherson of Cambridge, marshal general, on June 19, 1666, appointed William Howard of Boston his deputy. Copy.

Copy of mortgage deed, dated Mar. 10, 1659, given by Bray Wilkins of Lin, husbandman, and John Giongion of Lin, tailor, to Richard Bellingham of Boston, for £225, with interest at eight per cent., 700 acres at the head of Salem to the northwest from said town, there being at that place a hill where an Indian plantation sometimes had been, a pond and about 150 acres of meadow, which they had purchased of said Bellingham, who had it by grant of the General Court, Sept. 6, 1638. Wit: Henry Phillops and Robt. Howard, notary public. Acknowledged, Apr. 21, 1660, before John Endecott, Governor. Henry Phillops made oath to the signatures, June 22, 1666, before John Leveret, assistant. Copy made by Hillyard Veren,‡ cleric.

Richard Way, aged forty-two years, deposed that the last of January, 1664, he was with Wilkins, Gengall and Nathaniell Putnam at Mr. Richard Bellingham's house, and he heard the latter say that he would mortgage it for two-thirds, that the land which they had improved should be in their third part, that they should go on with their building, etc. When they went to the Governor the next summer to demand their third part and showed several receipts from him, also their accounts for the farm, he looked at the papers, and upon their demanding their return, he said, "Noe

‡Autograph.

§Autograph and seal.

Richd. Bellingham, Esq. v. Bray Wilkins and John Gingell. Trespass. For cutting down and ruining the principal timber and great trees in the farm and land mortgaged at or near little Wills hill. Verdict for defendant. Court did not accept the verdict.\*

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now I have them I will Keepe them and soe did which Action was soe Greeveus to the Spirit of this Deponent that After the s<sup>d</sup> wilkins and Gengell were gone out of the Roome this deponent steyed Back againe and desired the Governour to Consider how Dishonourable a thing this Action of Retaining there Receipts would be vnto him where upon hee Replied here is one of the Receipts which was not written by my selfe take that if you will and hee tooke it to mee but owned that hee had Received the sume in that specified and the Rest hee would Keepe and soe did." Sworn in court.

John Smyth, aged about forty-two years, and Wm. Howard, aged about fifty-seven years, deposed that on June 20, they demanded possession of the farm in behalf of Mr. Bellingham, and Bray Wilkins owned then that the past winter he had felled and made from off the said farm six thousand barrel staves for Mr. Curwin, etc. Sworn in court.

Nathaniell Putnam, aged about forty-six years, deposed that the latter end of January, 1664, Bray Wilkins having "by Providence His House burned and by that meanes being Brought to a meane and Low Condishon I my selfe and some other neighbours taking the sad Condishon of the sd Bray Wilkins and His Family into our Consideration wee were willing to Contribute something to the Help and Assistance of y<sup>e</sup> s<sup>d</sup> Bray Wilkins in his sad & deplorable Condishon provided that the s<sup>d</sup> Wilkins might have the benefitt of it Himselfe and then understanding that the Farme Hee then Lived on where his house was Burned was Intangled to M<sup>r</sup> Richard Bellingham our new Honoured Governour," he went to treat with him, Lieft. Richard Way being also present, etc. The Governor promised that the division of the farm should be left to indifferent men, and said that there was much due for interest, to which Lieft. Way replied that he hoped he would not take interest and have the benefit of the improvements which had been made. Finally the Governor agreed to leave that matter also to arbitration. Sworn in court.

\*Writ, dated 19 : 4 : 1666, signed by Jonath. Negus,† for the court, and served by Willm. Howard,† marshal general's deputy, by attachment of three parcels of cedar shingles lying near Wilkins' house, and two parcels near Gingell's house. Defendants had made bolts, clapboards and other vendable commodities.

Philop Knight, aged about fifty-two years, and Jonathan Knight, aged about twenty-four years, both of Salem, deposed that Samuill

†Autograph.

Mr. John Ruck, assignee or attorney of John Mastone v. Capt. Tho. Clearke. Debt. Due for freight. Verdict for plaintiff.\*

Mr. John Ruck v. Samll. Moore. Withdrawn.

Thomas Preston v. John Newman. For illegal taking away of a heifer. Verdict for plaintiff.†

Wilkins, of Bray Wilkins' family, informed deponent's that they had cut twenty thousand white oak barrel staves the past year, and had cut about eleven hundred feet of boards. Also the year before they cut six thousand feet of boards, etc. Sworn in court.

\*Writ, dated May 22, 1666, signed by Hillyard Veren,‡ for the court, and served by Rich. Wayte,‡ marshal of Boston, by attachment of a pasture of Capt. Thomas Clarke's in Boston near the new meeting house.

John Rucke's bill of cost, 1li. 1s. 10d.

Printed bill of lading, dated Barbadoes, Sept. 18, 1656, from Edward Lassells, shipped in the Returne, Henry True,‡ master, now in Carlisle Bay, bound for Boston, four barrels of molasses in Barmudoes Caske, to Capt. Thomas Clarke, at the rate of 40s. per tun. Receipt, dated 26 : 10 : 1656, signed by Jno. Clark.‡

Printed bill of lading, dated Barbados, Apr. 5, 1658, from Marke Hands, shipped in the Returne of Salem, John Marston,‡ master, now in the Bay of Carlyle, bound for Boston, six butts of wine, to Capt. Thomas Clarke and John Hanneford. On Oct. 11, 1660, John Marston‡ assigned this bill to Mr. John Ruck.

John Marston, aged about fifty years, deposed. Sworn in court, in the presence of him that sees all things, before Hillyard Veren,‡ cleric.

John Archer, aged about twenty-eight years, deposed that he sailed in the ketch Returne, etc. Sworn in court.

Account between Capt. Clark and John Marston for freight.§

‡Writ, dated 15 : 4 : 1666, signed by Hillyard Veren,‡ for the court, and served by Robert Lord,‡ marshal, by attachment of two cows of defendant.

Bill of cost, 30s.

Roger Preston‡ of Salem certified, Oct. 20, 1665, that he had hired a cow of John Newman of Ipswich for two years at the rate of 10s. per year to be paid in goods or corn at Goodman Bishope's, merchant, in Ipswich. Wit: John (his mark) Harrod and Thomas Preston.‡

Robert Lord, marshal, aged about thirty-four years, testified that being at Mr. Duning's farm to serve an attachment, he asked Goodwife Preston whose cattle those were upon the farm. She replied that some were Capt. Corwyn's and the young red one was John Newman's.

‡Autograph.

§Shorthand on the reverse of this paper.

Elizabeth Medcalfe, executrix of the estate of Joseph Medcalfe, and Thomas Medcalfe v. Edward Nealand. Trespass. For felling trees, fencing and breaking up their land. Verdict for defendant.\*

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Thomas Marshall testified that he saw Jno. Newman of Ipswich take away one heifer which Thomas Presson hired him to winter, etc. Sworn in court.

Samuell Preston, aged about fifteen years, deposed that about a year and a half since his brother Thomas Preston bought of his father, Roger Preston, a red heifer, which he hired Thomas Marshall to winter, etc. Sworn, 19:4:1666, before Simon Bradstreete. †

Martha Holt, aged about forty-four years, deposed that her son Thomas Preston bought of her husband, Roger Preston, etc. Sworn, 19:4:1666, before Simon Bradstreete. †

John Newman, jr., deposed that his uncle, John Newman, told deponent, etc. Newman said that the writing that Roger Preston gave him was of no value, but Preston told him that he would fix the writing if there was anything amiss, etc. Sworn, June 26, 1666, before Daniel Denison. †

\*Writ, dated May 18, 1666, signed by Robert Lord, † for the court, and served by Robert Lord, † marshal of Ipswich.

Edward Neland's bill of costs, li. 3s. 11d.

John Dane deposed that being at Goodman Medcafe's when he was very ill, a little while before his death, there was some discussion about Edward Nealling's carrying on his wife's work after said Medcalf's death. Goodman Medcalf's son Thomas would not agree to give said Edward assurance of a parcel of land which the latter had bought of Goodman Medcalf unless Edward would promise to do his mother's work during her life at a groat a day, which he refused. Thomas told his father that the latter could not give assurance of it without his consent, because half belonged to said Thomas. The old man desired earnestly and mournfully that he would do it and be satisfied by some of his other land. The father owned that he had received his pay and deponent saw a deed of it on the table. Sworn, June 18, 1666, before Daniel Denison. †

John Kimball, aged about thirty-five years, and Thomas Kimball, aged about thirty-two years, deposed that the land in controversy was a part of the land of Joseph Metcalfe, and they saw Edward Neland felling trees there, etc. Sworn, June 22, 1666, before Samuel Symonds. †

William Goodhue † deposed. Sworn, June 19, 1666, before Daniel Denison. †

Robert Lord, aged about sixty-three years, deposed that the part of the land near the land of John Kimball was fenced, etc. Sworn in court.

†Autograph.

James Steevens v. Edw. Harrendin. For unjust molestation, claiming his meadow and taking away his hay. Verdict for plaintiff.\*

Copy of will of Joseph Mettcalfe, aged about sixty years, dated June 3, 1665: "I make my wife Elizabeth Mettcalfe executrix, and desire & will, that my debts be payd, and what remaineth I give unto my wife Elizabeth dureing her naturall life and after her decease, my will is that my Grandchild Joseph Mettcalfe, shall enioye my house & lands, payeing ten pounds to his sister Mary Mettcalfe, and what live stock my wife leaves at hir decease I give to my Grandchild Elizabeth Mettcalfe, The houseould goods I leave to my wifes disposing I apoynt my sonn Thomas Mettcalfe & william Goodhue to be overseers of my will. Joseph Mettcalfe." Wit: John Perkins and Jacob Perkins. The witnesses made oath in Ipswich court, Sept. 26, 1665, that Joseph Mettcalfe declared this to be his will in their presence, that they know of no other will and that he was of understanding and memory. Copy made, June 22, 1666, by Robert Lord,† cleric.

Copy of deed, dated June 5, 1664, Joseph Metcalfe, of Ipswich, seaman, Eliza. (her mark) Metcalfe and Thomas Medcalfe, in consideration for work to be performed, to Edward Nealand of Ipswich, Irishman, seven acres, bounded northwest by John Kimball, north by the highway, and the remainder on his other land, etc. Copy made by Hillyard Veren,† cleric.

Nathaniell Perly, aged about twenty-two years, deposed. Sworn, May 22, 1666, before Daniel Denison.†

John Perly, aged about twenty-eight years, deposed concerning the fence which Neland had put up, etc. Sworn, June 18, 1666, before Daniel Denison.†

Elizabeth (her mark) Metcalfe, executrix of the estate of Joseph Metcalfe, on June 22, 1666, appointed Robert Lord of Ipswich her attorney. Wit: Abraham Jewitt† and Thomas Kimball.†

James Howe, jr., aged about thirty years, deposed that he helped to break up the land, and that Joseph Metcalfe told him that he had received from Neland in payment for the land half a mare. Also that Neland was to work for Metcalfe four pence per day cheaper than for another man, etc. Sworn, June 18, 1666, before Daniel Denison.†

Robert Punnell deposed. Sworn, May 21, 1666, before Daniel Denison.† On the reverse of this paper is the fragment of a letter signed by Margaret Rogers.†

\*Writ, dated Jan. 21, 1666, signed by Thomas Riggs,† for the court, and served by Anthony Day,† deputy constable of Gloucester, by attachment of the house of defendant.

James Stevens' bill of charges, 3li. 9s. 2d.

† Autograph.

Edward Harraden\* of Gloster, on June 23, 1666, appointed Robert Lord, sr., his attorney. Wit: Thomas Waite.\* Acknowledged, June 23, 1666, before Daniel Denison.\*

Summons, dated June 21, 1666, to Edward Harrendine, signed by Thomas Riggs.\*

Copy of record of Ipswich court, Sept. 26, 1665, concerning these parties, made by Robert Lord.\*

William Haskall, jr., aged about twenty-one years, deposed. Sworn in court.

Clement Coledum deposed that about five years ago, he was mowing for John Pearce in his own marsh and Willm. Lincolne was mowing in his master Harridine's marsh and when they went to dinner he came and sat down with them. Old Goodman Joanes came also, and John Pearce asked him if he knew the bounds between Goodman Harridine's and deponent's marsh, to which he replied that it was the tree that stood upon the hummock of rocks, for he was there at the laying out, and the bound on the other end was somewhere about the head of the little creek, etc. Sworn in court.

Richard Beford, aged about fifty-eight years, deposed that he bought the marsh in controversy of Soloman Martin about fifteen years ago and enjoyed it five or six years, when he sold it to John Pears, etc. Sworn in court.

Clem Coldom, aged forty years, deposed that he heard Goodman Hariden say that he brought away a load and a half of hay, etc. Sworn in court.

Richard Beford and John Pearse, the latter aged about fifty years, deposed that this marsh was given by the town to Soloman Martin, namely four acres lying next to Gorge Blake. Sworn in court.

William Linckhorne deposed that his master Edward Haraden, went to live at Gloster about April, 1657, and the past year James Steevens took away his master's hay from off the lot, by means of his master's canoes which lay in his dock upon his own land near his house. Sworn, June 25, 1666, before Samuel Symonds.\*

Willm. Lincorne deposed concerning what Thomas Joanes said. Sworn in court.

Isaac Stevens deposed concerning the plan of the lot as shown in court, which he said was correct with the exception of the size and location of some salt ponds and showing some small coves. Sworn in court.

Richard Beford deposed concerning Thomas Jones, sr., etc. Sworn in court.

Thomas Jones, aged sixty-seven years, deposed that when the lot-layers of Gloucester first laid out the marsh of the long cove in Squam, the bounds between Soloman Martin's and William Haugh's, etc. Sworn in court.

Gorge Blacke deposed. Sworn in court.

\* Autograph.

John Meager v. Samuëll Dutch. Non-performance of an agreement. Verdict for plaintiff. If defendant refuse to carry him to sea according to covenant, plaintiff was to have 6li. 10s. more.\*

\*Writ: John Meager v. Samuel Duch; for non-performance of an agreement made by him and his brother who shipped the said Meager with the consent of their father to go that summer on a mackerel voyage with said Samuëll and his brother Hezeziath Duch, but that said Samuëll had gone to sea and left him on shore, etc.; dated June 12, 1666; signed by Thomas Riggs, † for the court; and served by Peter Duncan, † constable of Gloucester. Bond of Samuëll (his mark) Duch and Osman (his mark) Duch.

Letter of attorney, dated June 3, 1666, given by Samuëll (his mark) Duch of Gloucester to William Sargent of Gloucester. Wit: Peter Duncan † and Anthony (his mark) Daye.

Peter Duncan, aged thirty-seven years, deposed that he several times desired Jno. Meager to put his fish off that it might be ready when a vessel came to get it, but Meager said that it was not pressed enough. They were a day and a half drying the fish before it was fit for the scale, and Samuëll Duch and his brother helped dry it. Sworn in court.

Hugh Rowe, aged about nineteen or twenty years, deposed that when Samuëll Duch and his father Osmand Duch came to ship him that summer, they said they could not ship him that winter because they had engaged John Meager, etc. Sworn, June 23, 1666, before Samuel Symonds. † He further deposed that John Meger was shoreman of the winter and spring voyage. Sworn in court.

Isaac Elwell deposed that he heard a general report throughout the harbor that Samuëll Duch said that he had caught eight or nine barrels of mackerel. Sworn in court.

Thomas Prence, jr., deposed that Samuel Duch came to deponent's father's house and asked Meager to go to sea with them, but Meager replied that he would not for he might go to Salem, where he could ship winter and summer. Duch told him to come with them and they would catch the pollock school and they would go down to Manegmoy and make the fish. Then Samuëll Duch took Meager by the hand and said "wee will goe as louinge as three brothers and please God noe other shall goe with us . . . for we are all three young men and Can goe when wee will and Com when we will," etc. Sworn in court.

Isack Elweell, aged about twenty-four years, deposed that Duch told Meager that if he went aboard the boat, he would throw him overboard. Sworn in court.

Margret Prince deposed that Duch came to her husband's house. Sworn in court.

† Autograph.



Capt. Walter Price v. Richd. Sutton. Debt. Withdrawn.

Jon. Godfrey v. Jon. Atkinson. For arresting Godfrey and not prosecuting, and for beating and abusing him while he was his prisoner, he pretending to be the constable's deputy. Verdict for plaintiff.\*

Jon. Godfery, assignee of Wm. Prichett v. John Tod. Debt. To be paid in wheat and Indian corn. Verdict for plaintiff.†

Margat Prince, aged about forty years, and her son Thomas Prince, aged about fifteen or sixteen years, deposed. Sworn in court.

Thomas Prince, sr., deposed. Sworn in court.

Nathenell Mellet, aged eighteen years, deposed. Sworn, June 22, 1666, before Daniel Denison.‡

John Meager's bill of costs, 3li. 3s. 9d.

\*Writ, dated May 18, 1666, signed by Daniel Denison,‡ for the court, and served by Caleb Moody,‡ constable of Newbry.

William Randall, aged about forty-eight years, deposed that Atkinson took Godfry by the throat or collar and thrust him along and when Godfry asked his authority, Atkinson told him he had the black staff. Deponent being desired by Godfry to go along with them, the latter fearing he would be killed, did so and when they came to Atkinson's house, the latter said he would go to breakfast. Godfry said that he would go to Rowly to Goodman Longhorne's for he had had nothing to eat, so they went along. When they reached Goodman Noyes' gate, Atkinson gave him a box on the ear and punched him on the breast and stomach and when they came to Goodman Moodye's lane end, he fell upon him. Goodman Moody, who was constable, came and Atkinson said he would resign the prisoner to him, to which Moody replied that he told him when he let him take the black staff that he would not be responsible for he wished to have nothing to do with Godfry, etc. Sworn in court.

Sammuell Moodey,‡ late constable of Nubury, certified 19 : 4 : 1666, that he saw blood upon John Atkinson's hand and a wound like the biting of some creature which Atkinson said was done by Godfry. Atkinson also said that Randol had threatened to knock him down if he took Godfrey out of the King's highway. Sworn, June 20, 1666, before Samuel Symonds.‡

John Atkinson's bill of charges, 1li. 18s. 8d.

Benjamin Rolfe‡ deposed. Sworn, June 20, 1666, before Samuel Symonds.‡

†Writ, dated June 15, 1666, signed by Anthony Somerby,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, by attachment of pasture land.

‡Autograph.

Tho. Tuck v. Samll. Benet, sr. For withholding 3li. worth of bar iron paid said Benet by Edw. Richards, upon a bill of Mr. William Brown for the use of said Tuck. Withdrawn.

Mordecai Craford or Eadith his wife, as his attorney v. Capt. Tho. Savage. Upon all accounts between them, with the mortgage of the houses and lands of plaintiff, etc. Referred to four men.\*

Summons to John Tod, dated June 15, 1666, signed by Anthony Somerby,† for the court.

John Godfrey's bill of charges, 1li. 13s.

Letter of attorney, dated June 2, 1666, given by John Tod‡ of Rowley to Mr. Veren, clerk of Salem court. Wit: Anthony Austin† and John Pickard.† Acknowledged June 23, 1666, before Daniel Denison.†

Bond of John Tod,† dated Mar. 1, 1655, to pay William Pritchett twenty pounds. Wit: John Pritchett† and Susana Tod.† On May 25, 1665, this bill was assigned by William Pritchett† to John Godfrey. Wit: John Ayre,† Thomas Kimball† and Robert Lord.†

\*Writ, dated 16 : 4 : 1666, signed by Hillyard Veren,† for the court, and served by Samll. Archarde,† marshal of Salem, by attachment of house and land of defendant.

Delivered by Thomas Savage, 4 : 4 : 1662: to 1 shallop Roade wa 2 C. 14li., 5li. 19s.; 1 pipe of Sacke, 18li.; 3 C. bread, 3li.; 1 Barr. Tarr, 14s.; 1 Barr. porke, 4li.; 2 Fliches Bakon wa 70li., 1li. 15s.; 1-2 C. larg nayles & 1-2 C. othr. nayles, 3s. 4d.; 2 Grapnells, wa 98li., 2li. 9s.; Robt. Lawrence his wages in the Barke, 5li. 6s.; 1 quarte Liqr. & a bottell, 1s. 9d.; a sith & 4 Rubstones, 5s.; 1 yd. 1-4 Cotton Cloth, 4s. 7d.; total, 41li. 17s. 8d.

Award, dated Salem, July 4, 1666, of Thomas Putnam,† Ese. Hathorne,† Jno. Curwins† and Jona. Browne,† arbitrators for plaintiff and defendant.§

On 18 : 4 : 1663, T. Gifford† (also Jefords) gave acquittance to Mordecaey Cravett. Wit: Tho. Gardner† and John Beckett.†

Copy of contract, for the bark Content, made by Hillyard Veren,† clericus.

John Williames and John Beckett deposed concerning Roberte Marshall, etc. Sworn, 30 : 4 : 1666, before Wm. Hathorne.†

John Greene, aged about twenty years, deposed that the bark was delivered to Capt. Savig in good condition about Christmas, and that the cattle deponent drove up to pay Robard Marchell were the cattle in controversy. Sworn, 30 : 4 : 1666, before Wm. Hathorne.†

Mordecaey Creiford is Dr.: On 3 : 9 : 1660, to particulars delivered to Anthony Roe, 2li. 17s. 10d.; to Anthony Roe, 5li. 9s.; to Richd. Hearle, 3li. 4s.; to Jno. Tapley, 3li. 6s. 9 1-2d.; to 16 yds.

†Autograph.

‡Autograph and seal.

§See page 344.

noiles, 1li. 12s.; to Anthony Roe, 8s. 8d.; to Thomas Ashley per Richd. Hearle's ord., 13s. 2d.; to Anthony Roe, 1li. 1s. 4d.; to Richd. Hearle, 3li. 7s. 10d.; to Jno. Tapley, 3li. 5s. 7 1-2d.; on 6 : 9 : 1660, to yr. wife, 25li. 4s. 4d.; to Anthony Roe, 1li. 16s.; to Anthony Roe, 15s. 6d.; on 8 : 9 : 1660, to yr. wife, 20li. 9s. 11d.; to Richd. Hearle, 5s. 6d.; on 9 : 9 : 1660, to yr. wife, 18li. 17s. 7d.; to yr. wife, 21li. 15s. 4 1-2d.; to 47 lb. hopes and bagg, 1li. 19s. 2d.; to Henry Largin, 5li. 10s. 6d.; to 500 of bread delivered by Mr. Nicalls, 4li. 10s.; to Cap. Jno. Allen, 4li.; to Goodman Peck, 2li. 18s. 6d.; to yr. selfe, 24li. 11s. 7 1-2 d.; on 11 : 12 : 1660, to 8 yd. of flesh called tammie at 3s. 4d., 1li. 6s. 8d.; 1 doz. white Cotton hose, 1li. 2s.; 1 M. of pinnes, 1s. 2d.; 1 pr. woomens fashionable showes, 4s. 6d.; 3 broad howes, 10s. 6d.; 20 yds. of yd. wide greene Cotton, 3li. 6s. 8d.; 20 yds. of red roule at 4s. 6d., 4li. 10s.; 47 yds. of ozenbriggs at 19d., 3li. 13s. 8d.; to Willm. Barber, 1li. 10s. 3d.; to Mr. Blacklech, 13li. 1s. 6d.; to 2 yds. of duffles, 14s. 8d.; to 10 1-2 oz. of thrid, 3s. 6d.; to 12 pr. showes, 3li. 4s.; 82li. of hopes, bagg and all, 3li. 8s. 4d.; 1 firkin of sope, 1li. 1s.; 3 bushel of mault, 15s. 9d.; 2 quarter caskes of sack, 7li.; 1 Caske of mal-assowes, 50 gall., 3li. 10s.; cash pd. yr. wife, 12d.; 3 C. bread dd. by Mr. Hauckins, 2li. 14s.; 20 hh. of salt, 16li.; to the porters, 6s. 4d.; 1 greate Iron pot & 1 Kettle, 2li. 3s. 5d.; 1 large mortar, 11s. 5d.; 1 skillet and 1 pr. of pot hookes, 6s. 2d.; 10 bush. of Indian Corne, 1li. 10s.; 7 gall. of strong liquor at 8s. & the Caske at 2s. 4d., 2li. 18s. 4d.; 12 lb. 1-2 of tobacco, 10s. 5d.; 500 of Iron dd. Henry Kemball, 6li.; cash pd. yr. wife, 10s.; total, 240li. 17s. 1 1-2d.

In 1661, delivered to Capt. Savage by me and my husband at Mr. Oliver's dock in Bostone, fish at money price, 31li. 12s. 6d.;\* more by Edith Creford, 2 1-2 kentills of fish and a shilling's worth at 28 Rialls a kentill at Mr. Oliver's dock, 1li. 1s., 26 kentills dd. by Edith Creford, 18li. 4s.; on 8 : 5 : 1662, dd. to Capt. Savage at his warehouse by Mordecay Creford and his wife in Bostone, fish, 86li. 16s. 6d.;\* on 10 : 5 : 1662, dd. fish, 17li. 13s. 6d. and William Rogers dd. for me the same day to Capt. Savage, a kentill of fish, 16s. 6d.;\* on 28 : 7 : 1662, fish dd. to Capt. Savage, and at Mr. Davison's at Charlstowne by Edith Creford, 56li. 10s.;\* on Sept. 25, to Capt. Savage, 24 kentells of Refuse fish at 22 Rialls pr. kentill by Edith Creford, 13li. 4s.; pd. to Capt. Savage by Mr. Breden about 7li., pd. to Capt. Savage 3li. in money with my owne hands at Mr. Sherman's house, pd. Mr. Sherman to Capt. Savage, 5li. 10s., and a horse; total, 16li.;\* for Capt. Savage's son Thomas, his passage from the eastward and his passage from Salem to Bostone, one purpose, wth. 2 men & a boate, he was coming three weeks from the Eastward, dieted by Mordecay Creford & 25s. pd. for him at Paskataque & 12s. expense in the Barke & his use of a

\*This item is crossed out in the original.

Barrell of Beere, 2s. 3d. & John Tapley lent him 6s., whereof Mordecay & John Tapley Rec. of Capt. Savage, 20s.\*

The Barkes Charges: for new building hir, 30li.; her 4 men's diet 3 monthes, 12li.; & there wages, 18li.; for planke boards, timber, bolts, speckes, nailes, pitch, tarr & okum, 30li.; to Anthony Day for seeling the cabin & small & great nailes, 3li. 16s.; for a month's diet for him, 1li.; Charges coming to worke & goeing home, 5s.; for Mordecay Creford & 3 men 3 months diet, 12li.; an ankour, 2li. 3s.; a peice of Roope, 12s.; a Coyle of small cordidg, 2li.; for saile cloath & twine & mending the sailes, 9s.; for nailes for the Rudder, 1s.; a new pump, 16s. 6d.; Blockes, 5s.; a lanthorne, 3s.; a kan, 1s. 3d.; an Indian ladle, 6d.; for hir triming the second time after shee came home, 5li.; pump, boxes, leather and nailes, 4s.; total, 118li. 16s. 3d. A fore mast & maine yard, 10s.; the carpenter did pay for mending the vessell the first time after she came home by arbitration.

What the Barke earned after shee Came home from Cape Ann: By Mr. Thomas Gardner to the eastward, 6li.; Brought for myselfe, 30 kentells of fish, 1li. 10s.; 2 voiag came home wth. dead fraite except one horse & 4 kentalls of fish, 3 earned by Mr. Breden, 14li.; by Mr. Sherman, 27li.; by Mr. Jolife, 3li.; carried to Bostone 70 barrells of makerell & 14 kentells of fish, 2li. 16s.

Mordaca Cravet, Dr., to Capt. Saveg, 240li. 17s. 1 1-2d. and 107li. 1s. 9d. Cr., By ye mortgage, 280li.; fish, 143li. 6s. 6d.; fish at Mr. Oliver's, 51li. 12s. 6d.; 1 horse, 16li.; by passage, 1li. 4s. 3d.; total, 492li. 3s. 3d.

Mordica Craford is Dr., Feb. 14, 1660, to previous account, 240li. 16s. 1 1-2d.; allowed for non-payment, 40li.; 28 : 10 : 1661, to sold to yrsel, 20li. 4s. 7d.; in 1662, to 1li. 6oz. marling, 1s. 7d.; 3 Barrells of Tarr & 1 Bushell 1-2 pease, 2li. 8s.; 8 boards, 11s. 4d. & in money, 8s.; 1 Barrell of Pork, 9li. 13s. 8d.; severall goods, 48li. 7s. 6d.; 1 mackrill Lyne & 1 Cod Lyne dd. to yr. wife, 4s. 4d.; to goods dd. to self & wife & money paid, 43li. 18s. 3d.; 1 qr. Beef, 110li. at 3d. 1-4 p. li., 1li. 9s. 6d.; to 5 yds. 1-4 stufe at 3s. p. yd. & 1-4 green say, 17s. 2d.; in 1663, to mony lent you, 1li.; to half a Barke sold by mortgage to me but afterward sold by yourself to another, 40li.; to the product of a fishing voyage wth. two shallops wch. is yet wanting of the mortgage, 80li.; to a Judgment granted me at Sallem Court, etc., 15li. 18s. 6d.; to the marshall's fees about the execution, 2li. 14s.; to Rent for the house & land from June, '65, 8li.

Mordica Craford is Cr., 1660, 61, 62, 63 and 65: By 1 Barrell of Oyle recd. of Anth. Roe, 2li.; 21 Kentlls. Refus Fish dd. to David Rowly, 11li. 11s.; 18 Kentells of Refuse to Mr. Scot, on Mr. Jolif's accompt at 12s. 6d. pr. Kent., 11li. 5s.; 16 Kentlls Refus to Goodman Sparke, 8li. 16s.; 35 Kentlls. 1-2 Refus dd. to Willm. Cooper, 19li. 10s. 6d.; 18 Kentlls. dd. Mr. Sowtherland, 14li. 8s.; 61 Kentlls dd. Mr. Robt. Gibbs for Mr. Jolif's use, 48li. 16s.; 6 Kentalls

\*This item is crossed out in the original.

Refus dd. Mr. Sowtherland, 3li. 6s.; 1 Kentall reed. of Willm. Rogers, 16s.; 40 Kentlls Refus, 23li.; 28 Kentlls, merchantable, 22 Refus, dd. Mr. Wollistone, 34li. 10s.; 1 sorell horse, 12li.; mortgage, 280li.; 2 cowes, 9li. 15s.

John Grine certified concerning a quintal of cuske fish. Sworn, 2 : 5 : 1666, before Wm. Hathorne.\*

Peter Oliver testified that three or four years ago he saw Mordica Cravit's bark in shelter-dock and saw his wife deliver fish to Capt. Savadg. Sworn in Boston, June 2, 1665, before Edward Tyng,\* commissioner.

John Tapley, aged about twenty-seven years, deposed that Crifat was in prison twenty-four hours, and was under bail from February to the county court at Boston because Capt. Saveige had Crifat's estate in his hand. Also that Capt. Saveige received the bark in good condition and in February her head was broken down and she was lying at the wharf in a dangerous position. Further that John Sade and deponent went to Capt. Saveige, etc. Sworn, 30 : 4 : 1666, before Wm. Hathorne.\*

John Taply, aged about twenty-five or six years, deposed that Mordig Craford's wife was at Boston several times to have a settlement, etc. Sworn, 15 : 2 : 1665, before Wm. Hathorne.\*

Mathu Prise, aged about thirty-seven years, deposed that he was at Thomas Barnes' shop door, when Thomas Savige, jr., came on horseback from Crifate's. Deponent asked him how much he gave for it, etc. Sworn, 30 : 4 : 1666, before Wm. Hathorne.\*

Edith Craford deposed. Sworn, 4 : 5 : 1666, before Wm. Hathorne.\*

Edward Alleyn\* testified concerning the fish in Mr. Oliver's dock in Boston. Also that when he went with Mordecaey Cravitt he did not remember that he had a barrill of malligo sack of Capt. Savige but one of Capt. Oliver. They came to deponent's house, etc. Sworn in Boston, June 23, 1665, before Edward Tyng,\* commissioner.

Alexander Willy, aged about fifty years, William Tibbon, aged about twenty years, and John Grine, aged about seventeen years, deposed that when Thomas Jefferds was working about the vessel he struck at his mate with a mallet and missing the man split a board with the blow. The quarrel was because his mate asked for provisions, saying his stomach was not half full. Said Jefferds received his pay for the work, etc. They further testified that they carried a pot of butter to Thomas Jeffers, ship carpenter, also cheese, pork, beef, bags of turnips, bread, flour, a peck of Indian beans, one hog's-head and eight barrells of strong beer, etc., and that said Jeffers made divers people drink of the beer that came into the house. Also that they worked for said Jeffers and Mr. Cravitt paid Anthony Daye for work done about the bark, etc. Sworn, 28 : 1 : 1663, before Wm. Hathorne.\*

\* Autograph.

William Beale, attorney to Samucl Legg v. John Peach, sr. For refusing to deliver 100li. according to covenant. Verdict for plaintiff.\*

John Grene, aged between nineteen and twenty years, deposed. Sworn, 15 : 2 : 1665, before Wm. Hathorne.†

\*Writ, dated June 20, 1666, signed by Moses Mavericke,† for the court, and served by Ambros Gall,† deputy constable for Samucl Ward, by attachment of house, orchard and commonage of defendant.

William Beales' bill of cost, 1li. 19s. 4d.

Mary Woods, aged about twenty years, deposed that she was desired by Samucl Legg to call John Peach, sr., to her house and Legg asked Peach if he would hold his part in a ketch with him, saying that there was a ketch at Salem which was in part owned by Mr. Beckett, Mr. Ruck and Goodman Curtice, the smith, and if he pleased he might have a quarter part of it. Said Peach answered that the times were now dangerous and that those who had greater estates than they, would hardly venture at sea but when the times changed he might venture. Legg replied that he would make him say that the crow was white before he had done with him and that he had not served seven years without learning some knavery. Peach answered that he was not willing to deal with knaves but with as honest men as he could, etc. Sworn in court.

Thomas Hoer, aged about twenty-four years, deposed. Sworn in court.

Elizabeth Legg, sr., deposed that John Peach said "Well Cozen Samucl if this Hundred pounds doe well in ye Cach when I dy Ile giue it to To my cozen Betty." Sworn in court.

Grace Joanes, aged twenty-five years, deposed that she saw the papers signed, etc. Sworn in court.

Agreement, dated Dec. 27, 1665, between John (his mark) Pech, sr.,‡ of Marblehead and Samucl Legg, mariner, the former was to deliver 100li. to said Legg, one-third in money, one-third in provisions and the other third in shop goods, with which to buy part of a vessel or ketch of forty or fifty tons, of which Legg was to be master and have a quarter part himself, etc. Wit: Willam Waters‡ and William (his mark) Bound.

Letter of attorney, dated June 12, 1666, from Samucl Legg,† mariner, of Marblehead to William Beale of Marblehead. Wit: Richard Reed† and John Legge, jr.†

Copy of agreement, dated Boston, May 10, 1666, between Johnathan Baulston, shipwright, of Boston, and Samucl Legg, mariner, the former selling said Legg one-half of a ketch or vessel now standing upon the stocks near said Baulston's house. The ketch was

†Autograph.

‡Seal.

Capt. George Corwin v. Robt. Codner. Debt. Mr. Jonathan Corwin swore to the account in the book, in which said Codner owned he received corn and pease, etc. Verdict for plaintiff.\*

Mr. Phillip Cromwell v. John Leach, sr. Debt. Withdrawn.

Riehd. Haven and William Bassett were sworn constables for Lyn, and Steephen Glover for Gloster.

Christopher Milton v. Edmund Bridges. Debt. Verdict for plaintiff, defendant to deliver the cow or pay a fine.†

Elias Wielt, lately deceased at sea, dying intestate, administration upon his estate was granted to John Lambert, jr., who was ordered to bring in an inventory to the next Salem court.

The inhabitants of Topsfeild and the villagers adjoining thereunto, having by order of Major Danyell Denyson, met together

to be forty-four feet by the keel upon a straight line, two bee seventeen feet by the midship beam and two bee nearest nine feet deep in the hold from plank to plank; she was to have also a pink stern and a close steerage and a fall into the hold under the half deck and two bee strong stinch and thith with all other conveniences as such vessels have when they go off of the stocks, excepting iron work. Said Legg promised to pay for one-half of the hull of the ketch at the rate of 3li. 8s. per ton and two bee measures, according to the accustomed measure of Boston, etc. Wit: John Liliton and Samuell Johnson. Copy made, June 22, 1666, by Robert Howard,‡ notary public.

William Watters, aged about thirty-three years, deposed that he was a witness, etc. Sworn, 26 : 4 : 1666, before Wm. Hathorne,‡ assistant.

William Bound and William Waters deposed. Sworn, 26 : 4 : 1666, before Wm. Hathorne.‡

\*Writ, dated May 8, 1666, signed by Hillyard Veren,‡ for the court, and served by Samll. Archarde,‡ by attachment of house and land.

†Writ, dated May 14, 1666, signed by Robert Lord,‡ for the court, and served by Isaacke Commings, jr.,‡ deputy constable for Isaacke Commings, sr.,‡ constable of Topsfeild.

Edmund Bridges' bill of charges, 1li. 11s. 6d.

Bond of Edmond Bridges‡ and John Wiles, sr.,‡ of Topsfeild for Bridges appearance at the constable's pleasure at his father's house in Ipswig, etc. Wit: Isaac Comings, jr.,‡ deputy constable. Neither party appeared upon the date set.

Bond of Edmond Bridges‡ of Topsfeild, dated 16 : 1 : 1665, to Christopher Milton of Ipseigh, for 4li. 3s. 10d. to be paid to Thomas Boushap, merchant, of Ipsich, and for security he offered his black cow which he tendered John Numarch. Wit: John Gould‡ and John Kenarick.‡

‡Autograph.

in a military way and chose officers of a foot company of train soldiers, as follows, John Redington, sergeant-in-chief to command the company, Joseph Bigsby, sr., sergeant, Abraham Redington, sr., clerk, and Edmund Towne, John Cumins and William Smith, corporals, the court confirmed them.\*

Abraham Whittyere of Manchester was freed from common training.

Administration upon the estate of John Farrington, late deceased, was granted to Elizabeth, the widow, who brought in an inventory† amounting to 251li. 7s. 3d., the distribution of which the court would later order.

\*Petition to the court to confirm these officers, dated Topsfeild, 21 : 4 : 1666, signed by Daniel Hovey‡ and William (his mark) Avril, in the name of the rest. Thomas Perkins and Jacob Town were appointed to present the petition for the company.

†Inventory of the estate of John Farrington, taken May 14, 1666, by John Hathorne‡ and Joseph Jenckes:‡ The water mill, dame, fludgates, mill house, etc., 190li. being in equal partnership with Edmond Farrington, the one-half of all belonging to deceased, 95li.; a new end aded to the ould house with a brick chimney not being finished, 35li., one-half being the deceased, 17li. 10s.; a barne not finished & a smale cow house adjoining at 18li., one half, 9li.; the lott of land, 9 acres, adjoining the house at 5li., one half, 24li. 10s.; a lott of salt marsh, 6 acres, in the town marsh, at 5li. per acre, one-half, 15li.; 2 oxen at 12li., one-half, 6li.; 2 steers at 3 yeare old at 5li. per year, one half, 5li.; one cow undivided at 4li. 15s., 2li. 7s. 6d.; a yearling at 40s., 1li.; 6 ewes at 13s. p. peece & 3 lambs 6s. p. peece, 2li. 8s.; 6 swine at Nahant at 18s. p. peece & three smale shoote at home, 3li. 3s.; 27 bushels of Indian corne in the chamber at 3s. p. bushell & a bushell of barley at 4s., 2li. 13s.; near 100 waight of tobacco in the same chamber at 3d. p., 12s. 6d.; severall old barrills, 2 bee hives, som ould boards, 15s., 7s. 6d.; sett of ould boxes, severall ould augers & chissels, old hand saw & 2 pichforks at 13d., 6s. 6d.; a cross cutt saw, 5s., 2s. 6d.; 3 axes, 6s., 2 wedges & rings, 3s. 6d., & severall ould sithes, 7s. 3d.; 1-2 bushell & a peck & grinding stone & spindle & a lader & a sledg at 21s., 10s. 6d.; a spad & a shovell, 2s. 6d.; his wearing clothes, a cloath jockett, 1li. 10s.; cloath cloak, 3li.; strait bodyes, carsee coat, 1li. 15s.; a redd coat, 1li.; sute, 30s., & lether breches & ould coate, 2li. 8s.; a wes-coat & old breches, 12d. & a paire of boots, 20s., 1li. 12s.; 3 hatts, 15s.; a sword, 15s. & a belt, 2d., pistill houlster brest plat, 25s., 2li. 3s.; a saddle, stirup & girts, 1li. 10s.; snaphanc muskett, 1li.; a flock bed, 2 houlsters & a pillo, 30s., & 5 blankets & a rugg, 5li.; 3 paire of sheets, 3li. 7s., & 3 shirts, 20s., & hollon shirt, 10s., 5li.; 6

‡Autograph.



Henry Lee was sworn constable for Manchester.

Hana Roff chose Nicholas Holt, her father-in-law, as her guardian, said Holt being bound to pay her her portion when she comes of age.

Mr. Oliver Purchas was confirmed lieutenant of the foot company of Lynn.

Phillip Stanwood was confirmed eldest sergeant, and Tho. Millet, second sergeant, of the foot company of Gloster.

William Edmonds and Joseph Bowd had their licenses renewed.

Samuel Ward of Marblehead had his former license for retailing strong waters renewed for a year.

Mr. Jon. Ruck and Mr. John Gidney had their licenses renewed.

Mr. Eleazer Hathorne and Mr. William Browne were licensed to retail strong water for a year.

Bridgett, widow of Richard Window, petitioned to the General Court, which was referred to this court, that she had been left in a poor condition, her husband having disposed of his estate by will to his children. The court, understanding that there was a cow ordered by her husband to be delivered to his wife after his decease, though not expressed in the will, ordered the administrators to deliver that cow or another cow as good to said Bridgett.\*

Clement Coldum, having been chosen ensign of the foot company of Gloster, and recently upon some difference among them or dislike of some among them of the said choice, was, upon his own

napkins, 12s., & 2 bands, 4s. & a scarf, 8s., 11l. 4s.; 4 peuter dishes, 19d., & pott & candlestick, 3s., 11l. 2s.; an ould brass pott & kittle & ladle, 13s.; pott hook hanger, and iornes & tongs & spitt, 16s.; 3 tubbs, a peale & other wooden weare, 8s.; a frieing pan & 2 knives, 4s., erthen weare, 1s., 5s.; 2 chest & a cradle & spineing & a fourme, 16s.; 7 pound of linen yarne, 17s. 6d., 3 pound wool yarn, 6s., 11l. 3s. 6d.; a paire of card bellous & a barill, 6s.; smouthing Iron & a looking glase, 2s.; 2 coves, 9l. 10s.; horse, 9l.; a meare & a 2 yeare ould colt in the woods if liveing, 11l.; a pillion & a panill, 16s.; 65l. 6s. 6d.; total, 251l. 7s. 3d.

\*Bridget Window's petition: That she had been married to Richard Window of Glocester and had brought to him estate to the value of 40l. When he died his estate amounted to 212l., and all she received was 30s. per year, she being now aged and not able to work for her maintenance, and James Stephens, the overseer, not providing her even with bread or beer. Copy made, May 23, 1666, by Edw. Rawson, † secretary.

†Autograph.

request, dismissed from common training, unless the said company see cause to continue him their ensign.

William Rayner, husband of Elizabeth, late wife and administratrix of Humfry Gilbert, deceased, was ordered to deliver to Hanna Gilbert, daughter of the said Humfry, a great kettle, a box and a pewter platter, which were mentioned in the inventory of the said estate.\*

Benjamin Parmiter and Mr. Lattamore had their former licenses renewed.

Mordecaie Craford withdrew his action against Capt. Tho. Savage, upon their mutual agreement to refer all differences to Leift. Tho. Putnam, Mr. Eleazer Hathorne, Mr. John Corwin and Mr. Jonathan Browne, the latter to make their return the next week. They were to meet at the house of Mr. John Gidney, sr., etc.

Richard Prior and Martha Hobbs, having been bound over to this court by the Worshipful Mr. Samuell Symonds, for committing fornication, and confessing, had their execution respitted until after the birth of the child, when she was to be brought to Salem or Ipswich for sentence.

Roger Preston, dying intestate, and the estate being not sufficient to pay his debts, it was ordered that all the creditors bring in their accounts to the next Ipswich court, and that they should be paid proportionally as far as the estate would go. Those who failed to appear would be liable to lose their amounts due, the next court being the time limit for making division of said estate among the creditors. This order was published in court.

Samuell Archard, marshal, having requested the court to allow him to resign, court accordingly dismissed him, to take effect after the present court was ended.

Jeremiah Meachum was granted administration upon the estate in this country of Thomas James, late deceased, and was ordered to bring in an inventory to the next Salem court.

\*The wife of William Geare deposed that she heard Goodman Gilbert say when he made his will that the bed, kettle and some other things were to be Hanna's.

Ellen Haselton, aged about twenty-five years, deposed that Goodwife Gelbord gave her daughter, upon her death bed, a great brass kettle, a pewter platter and a black box.

Elisabeth Hotten deposed that Gilberd said that there were several things his other wife had given his daughters and he would not alter it. Sworn, 27 : 4 : 1666, before Wm. Hathorne.†

†Autograph.

Edward Eastwick, dying intestate, administration upon the estate was granted to Hester, the widow, who brought in an inventory\* amounting to 32li. 3d. She was to pay to her several children, 40s. each, at age or marriage, and if more debts appeared, such amount was to be deducted out of every one's share, etc.

Hester Estwick was appointed administratrix of the estate in this country of Capt. Benjamin Fermayes, deceased, and was ordered to bring in an inventory to the next Ipswich or Salem court.

Mr. Tho. Gardner, sr., was licensed to retail strong water.

Edmond Bridges acknowledged judgment to John Goold.

Tho. Oliver, for wilfully refusing to assist the constable, was fined. Job Hillyard engaged to pay it, and Samuell Archard, marshal, accepted it.

Henry Skery was chosen and sworn marshal, and the court allowed him 4li. per annum, the same as the former marshal had.

Robert, son of Tho. Wilkes, deceased, requested that he might have the estate of said Wilkes delivered to him for his own use, which amounted to about 30li., in the hands of Mr. Edmund Batter, administrator, who held it for said Robert until he became of age. Court understanding that he was now of age and able to improve it, ordered that it be delivered to him.

Ordered that summons be issued by the constable of Newbery to summons Samll. Moody and John Atkinson to appear at next Ipswich court, the former to answer for making said Atkinson his deputy, and the latter for executing the deputy's office in his own case.

\*Inventory of the estate of Edward Estwick, taken June 22, 1666, by Edmund Batter† and Francis (his mark) Nurce: One house & 1 Acre 1-4 of Land, 35li.; Cow & Calfe, 5li. 5s.; 1 Cubbard, 4 Joinstools & table, 1li. 12s.; 6 Chares & stoole, 10s.; Iron Pott & 2 Iron Kittles, 10s.; 2 hauks, 2 spitts, 1 p. And Irons, 1 frying pan, 1 Iron skillitt, 1 p. of tongs, fire shovell & grid Iron, 2li.; Erthen ware & glaces, 12s.; pewter, 1li. 10s.; 1 great brass kittle & other brass, 3li.; Lumber, 13s.; Iron ware, 17s.; Lumber in ye chamber, 10s.; 3 p. of sheets, 3li.; 6 Napkins, 12s., other Linen, 12s., 1li. 4s.; 1 bed furnitture & chest, 4li. 10s.; 1 bed & furnitture, 7li.; 1 muskit, sword & bullitts, 1li. 10s.; 1 Cradle & Piller, 10s.; 1 Chest & Table, 1li.; total, 70li. 3s. Debtor: to Mr. William Browne, 16li. 11s. 5d.; Mr. Phillip Cromwell, 13li. 10s.; Francis Nurce, 6li. 1s. 4d.; John Neale, 2li.; total, 38li. 2s. 9d.

† Autograph.

Capt. William Trask's will\* and inventory† brought into court by John and William Trask, executors, were allowed.

Frances Lawes' will‡ and inventory, brought into court by John Neale and Mary, his wife, were allowed.

\*Will of William Trask, sr., of Salem, dated May 15, 1666, was proved by Joseph Boyes and John Hill.

He bequeathed to "Sarah my wife the north end of my dwelling house during the term of her life I doe also apoint that shee shall haue some of the fruit of the orchard for her owne use & a little spot for a garden if shee desires it during the time of her life. Item I giue unto Sarah my wife sixteene pounds p annum to bee paided unto her yearelie for her maintenance during the time of her life, & allsoe I giue her a cow, which cow is to bee sommerd & winterd for her, by the executors during the time of her life. Item I giue unto my son william all the meadow that lyeth vpon the side of the riuer betweene the upper & the lower mills & also the upper mill pond to william.

"Item I giue unto my two daughters Sarah & Susan sixteene pounds a peece. Item I giue unto my daughter mary twentie six pounds & this to bee paid out of my estate by my executors in the space of three yeare & a halfe after my decease. Item I giue unto my grandchildren 10<sup>s</sup> a peece. Item I doe apoint my two sons william & John to be executors of this my last will & testament giuing them all the rest of my estate to bee equalli deuided betweene them." William (his mark) Traske, sr.

"Item as concerning my household stuff I apoint that none of it shall bee made away or disposed of so long as my wife liues but she to haue the free use of it as formerly & after her decease I giue vnto my daughter mary the great brasse pan & to my son william my bed & bedding that I now lye upon & the rest to be deuided as above said." William (his mark) Traske, sr. Wit: Joseph (his mark) Boice and John Hill.§

†Inventory of the estate of Capt. William Trask, appraised, June 15, 1666, by Thomas Robenes and John Hill: House, upland and meddo, 160li.; the mill, 100li.; 5 Cowes, 22li. 10s.; 2 steares, 2 yeare old, 5li.; 2 hefers, 2 yeare old, 4li. 10s.; 2 yeare old hefers, 3li.; 4 Cauefes, 2li. 5s.; 3 Ewes & 3 Lambes, 2li. 10s.; 9 swine, 5li. 5s.; 1 mare & 2 Coultres, 6li.; bras & puter, 5li.; 3 Beades & furnituer, 30li.; pootes & other iorn trade, 3li.; other ioren tooles, 2li.; 2 steares, 3 yeare old, 10li.; wareinge Clothes, 5li.; 2 Chestes & other Lumber, 3li.; total, 364li. Also a copy of the same made by Benja. Gerrish,§ clericus.

‡Will of Frances Lawes of Salem, dated Nov. 6, 1665, proved by Hillyard Veren,§ and Bartholomew Gedney:§ "My will is that

§Autograph.

my son in law John Neale & my daughter Mary his wife, after my decease, shall haue & injoye to their owne pper use & behoofe, the time of their liues, Joyntly & seuerally, all my howseing & land that I shall dy possesst of, or is of right belonging vnto mee, both upland & meddow, with ye Oarchard & all appurtenances, lying within the bounds of Salem, aforesd, whoe shall keep the pmisses in good repaire, & soe leaue it at the time of their decease, to be disposed of as followeth. I giue vnto Jeremiah: son of my said son in law John Neale, my pt of a ten Acre lott, lately bought in ptnership with my said son in law Neale, of frances Scerry, my pt being the one halfe, which my said Grandchild shall injoy to him & his heires, after y<sup>e</sup> decease of his s<sup>d</sup> Father & mother, John & Mary neale. I giue vnto Johnathan son of my son in law John Neale, my dwelling house which I now liue in, with all ye out-houses belonging therevnto, together with fiue Acres of land In-closed & adjoining to said houseing, be it more or less as alsoe all that my lott, bought formerly of M<sup>r</sup> Bishop lying in the further end of y<sup>e</sup> north feild in Salem north ward, with a strip of land adjoining bought of m<sup>r</sup> tho: Read & a little strip of marsh adjoining, giuen me by the Town to haue & in Joy the afore mentioned p<sup>r</sup>misses to him & his heires for euer, next after y<sup>e</sup> decease of his said father & mother John & mary neale. I giue vnto Joseph son of my son in law Jon. Neale, two Acres of ground more or less, with the Barne standing there vpon, which is adjoining to y<sup>e</sup> aboue mentioned houseing & land, & is a part of that ground I Bought of m<sup>r</sup> Edmond Batter, & was formerly Tho: Antrums deceased & is bounded on y<sup>e</sup> north with the street & on the east with y<sup>e</sup> land of mine, formerly y<sup>e</sup> land of Richard graues, on y<sup>e</sup> south with y<sup>e</sup> land of John & Jonathan Pickering & on the west with y<sup>e</sup> land latly of John Kitchin, to haue & to hold the same next after the decease of said John & mary neale, his said father & mother.

“I giue & bequeath vnto my fiue grand children, the children of my son John neale by mary his now wife: viz. Jeremiah, John, Jonathan, Joseph & Liddea: neale, fifty pounds sterling, betweene them, that is to say tenn pounds each of them to be paid vnto them or either of them, out of my estate, by my executors, when they shall accomplish the age of one & twenty years, seuerally, And my will is that yf any or either of them decease before they shall accomplish the age of one & twenty years, that then his or their portion shalbe divided equally betweene y<sup>r</sup> surviuers, and my will is that it be soe understood with respect to what I haue before bequeathed to any of them, yf they or either of them shall decease before they come to age as aforesd then there pt to be divided between those that shall surviue & accomplish the age of twenty one yeares as aforesd, I giue vnto Mary my sd daughter my best feather bead, with all that belongs to it viz. bolster pil-lowes Couerings Blanketts sheets, with y<sup>e</sup> greene say Curtaines &

Mr. Moses Maverick was appointed administrator of the estate of William Rayner, deceased, and was ordered to bring in an inventory and witnesses to prove the will, at the next Salem court.

Court ordered Jane James, widow, liberty to sell the land mentioned in an inventory on file of the estate of her deceased husband, and of the effects, to build her a house upon part of the said land or elsewhere in Marblehead. The overplus was to be delivered into the custody of the Worshipful Maj. Wm. Hathorn and Mr. Moses Maverike, to be used for necessities during her life, the two latter having charge of selling the land and building the house, and to order where the house should be built.

Samuell Archard, sr., presented for being disguised with drink, was fined upon his confession.

vallens & all other appurtenances, to be to y<sup>e</sup> sole & proper use & behoofe of my sd daughter & assignes foreuer. I giue to my grand child John neale aboue said, all my weauing Tackling as Loomes, slease, harnes & what euer elee belongs there vnto, provided he make use of it him selfe, other wise to be to my daughters Maryes use & dispose, Alsoe my will is that in case my said son John & Mary neale shall in the time of their liues, or either of them, shall make any new Adition of Building to y<sup>e</sup> howsing aboue said wherby the said howsing is & shalbe bettered at the time of their decease when their son John shall com to injoy it, that then y<sup>e</sup> said John shall pay y<sup>e</sup> value there of vnto his Brother Joseph yf then suruiuing. I Appoynt my son in law John Neale, & mary his wife (my daughter) to be executors, Joyntly & seuerally," etc. Francis Lawes.\* Wit: Hillyard Verent† and Bartholomew Gedney.†

"further my will is that, my Grandchild Jonathan aboue mentioned when he shall come to Injoy the housen & land aboue mentioned next after y<sup>e</sup> decease of his said father & mother as abousaid: he shall pay or cause to be paid to his Brother Jeremiah & John or their assignes the sum of thirty pounds sterling that is to say in one yeare after the said Jonathan injoyes the said house & the third yeare the other ten pounds to John."

Inventory of the estate of Francis Lawse, taken June 28, 1666, by Edmund Batter† and Bartho. Gedney:† One howse & Lands, 6 or 7 ackers about the house with barn and other out buildings, 20li.; 15 ackers of Land in ye North field, 15li.; 5 Cows att 4li. 10s., 22li. 10s.; 1 mare & 2 Colts, 8li.; 1 Bed & furnitture, 5li. 10s.; 1 chest & 1 chare, 10s.; weareing apparrell, 5li.; Lining, 6li.; 1 fether bed, 2li.; pewter & Iron potts, Kitells & brass, 2li. 10s.; 1 Lume & tackle, 5li.; total, 192li.

\*Autograph and seal.

† Autograph.

Tho. Tuk, presented for cursing Capt. Lothrop, was fined upon his confession.\*

Town of Salem, presented for defect in a common pound, was fined 5li., if it were not made sufficient in a fortnight.

Jon. Boneface, alias Bourne, presented for swearing, was fined upon his confession. Thomas Robins engaged to pay it.†

Joshua Codner, presented for swearing, was fined.‡

Robt. Knight, presented for making a common highway impassable, by digging and making a trench, was ordered to make good the said way in one month or pay a fine.§

Thomas Robbins, presented for frequent absence from the public ordinances, was dismissed, upon his statement that he does attend. The following were fined for the same offence : Jon. Maston, sr., and Samuell Shattock and wife, fines paid by Mr. Samll. Gardner; wife of Richd. Gardner, fine paid by Mr. Cromwell; John Kitchin and wife, fine paid by Mr. Jon. Gidney, sr.; wife of Robt. Buffum, fine paid by Mr. Eleaz. Hathorn; Michael Shaffin. Josiah Southwick, John Blevin and Danyell Sothwick, upon refusal to pay their fines, were ordered to be whipped.||

\*Presented for saying "the diuell take you," he being disguised with drink. Wit : Capt. Lothrop, Bartholmew Gedney and Henry West.

†Marblehead presentment. Wit : William Charles and Richard Hawly.

‡Samuel Ward, aged about twenty-eight years, deposed that he heard him swear in William Niks' stage while talking with Robert Bartlett. Sworn in court.

§Marblehead presentment. He dug the trench to set a mill. Wit : William Charles.

Summons for the Marblehead presentments and witnesses, dated June 28, 1666, signed by Hillyard Veren,¶ cleric, and served by Samuell Ward,¶ constable.

||William Maston, the wife of Lieut. Gardner, Richard Gardner, Edward Wharton, Joseph Buffam and his wife, the wife of Rob. Wilson, Joseph Boyce, sr., wife of Josias Suthwick, wife of Danyell Suthwick, Samuell Gascoine and his wife, Robert Stoone and his wife, Joseph Pope and his wife, George Deane and his wife, Samuell Robinson, wife of Mr. Thomas Gardner, John Smith and his wife, John Small and his wife, wife of Anthony Nedum, John Burton and the wife of Mathew Nixson were summoned but did not appear. Robert Wilson's wife was very ill.

¶Autograph.

Fined by the Worshipfull Major Hathorn:—

On 5 : 12 : 1665, Jon. Williams, Robert Leman's man, for theft in the ketch Three Sisters.

On 19 : 1 : 1665, Jon. Archard, for being drunk, breach of the peace and abusing the constable.

Upon complaint of the constable of Marblehead against Mr. Wm. Sprage, for selling strong waters contrary to law, was willing to pay five pounds rather than be bound over to Ipswich court.

On 26 : 2 : 1666, Joseph Armitage, for being distempered with drink.

On 23 : 4 : 1666, James Bette of Wenham, for drunkenness.

Obadiah Rich was fined by the constable, Samuella Williams, for being drunk.

The servants of Mr. Gidney's house were allowed 7s. and Mr. Brown's maid, 18d.

Award, dated July 4, 1666, of Tho. Putnam, Eleazer Hathorne, Jon. Curwin and Jonathan Browne, arbitrators for Capt. Thomas Savage and Mordecaie Craford: Capt. Savage was to have possession of the houses and land in the neck, with twenty acres at Seader stand according to mortgage, dated Dec. 27, 1661, and Mordecaie Craford was to pay him 14li. 12s. 9d.

Certificate given by John Maxwell, minister of Port Royall, Jamaica, dated 9 : 7 : 1666, of the marriage there of Alexander Joanes and Jeane Sient, on Oct. 1, 1665, by virtue of a license from his excellency Sir Thomas Muddyford. Wit : Samuella Legg. Sworn by William Bush, aged about fifty-six years, and Samuella Legg, aged about twenty-four years, Nov. 1, 1666, before Edward Tyng, commissioner. Recorded by Hillyard Veren,\* cleric.

#### COURT HELD AT IPSWICH, SEPT. 25, 1666.

Judges : Mr. Symon Bradstreet, Mr. Samuella Symonds, Major Genll. Denison and Major Wm. Hathorne.

Grand jury : Ens. Tho. Howlett, Robert Day, Fran. Wainwright, Edw. Chapman, Edw. Bragg, Wm. Coggswell, John Knight, Sam. Plumer, Wm. Tittecom, Robt. Hasseltine, James Barker, Wm. Tenny, Tho. Perkins and Rich. Barker.

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Summons for the Salem presentments and witnesses, dated 28 : 4 : 1666, signed by Hillyard Veren,\* cleric, and served by Samuella Williams,\* constable.

\*Autograph.



Jury of trials : Capt. Jo. Appleton, Mr. Jo. Paine, Symon Tompson, Walter Roper, John Andrews, Abra. Toppan, Antho. Sumerbye, Jo. Webster, John Scales, Jo. Person and John Gould.

Civil cases:—

John Leigh, sr. v. Susan and John Roberds. Trespass. Verdict for plaintiff, the title of the land.\*

John Godfry v. John Remmington. Forfeiture of a bond. Verdict for plaintiff, damage in merchantable wheat.

John Godfry v. Edward Yeomans. Debt. Verdict for plaintiff.

Edward Harraden v. James Steevens. Trespass. Nonsuited.

John Tod v. Mr. Anthony Crosbie. Forfeiture of a bond. Verdict for plaintiff.

Ezekiell Northend and John Pickard v. John Woolcott. For withholding a debt.

Frances Burrell v. Thomas Farrar. Trespass. Upon a replevin.†

\*Writ : John Leigh, sr. v. John Roberds and Susan Roberds' his mother; trespass, for mowing and carrying away his grass or hay from his marsh at Hogg Island, which he bought of Thomas Lord, and for claiming said marsh; dated Sept. 19, 1666; signed by Robert Lord,‡ for the court; and served by Robert Lord,‡ marshal of Ipswich, by attachment of barley and wheat in the barn of Susanah Roberds.

†Writ of replevin : the grass or hay cut by Francis Burrell in Rumney marsh on land bounded northerly by a ditch, southerly by Robert Potter, westerly by John Edmunds and easterly by the stakes to the Island, now detained by Thomas Farrer; dated 20 : 6 : 1666; signed by John Wayte,‡ for the court; and served by William Bassett,‡ constable of Lin.

John Lewes, aged about thirty-four years, deposed that Buriell told him that he would like to exchange marsh with Thomas Farer. Sworn, 24 : 7 : 1666, before Wm. Hathorne,‡ assistant.

William Crofts and his wife Ann deposed that Francis Boorill and Thomas Pharar came to their house and the agreement for exchange of nine or ten acres of land was drawn up. That said Ann Crofts kept the paper until Andru Mansfeldt, with Boorill and Pharar, came to give a deed of assurance, etc.

Richard Haven, aged about forty odd years, deposed that Burill exchanged marsh containing "rushye stuff" for a parcel of "seagye marsh," and deponent blamed him for doing it because his was near at hand and the other was far away. However, Burill said he was well content because he had plenty of rushy stuff at home. Sworn, 17 : 7 : 1666, before Wm. Hathorne,‡ assistant.

‡Autograph.

John Lighton v. Thomas Borman. Trespass. Upon a replevin. Special verdict. They found that the grass in controversy was upon an island in the river surrounded by water at low water mark, and also that there was a reservation of two rods by the town upon said river before the defendant's grant, yet if the law gives it to defendant, they find for defendant, etc. Court found for plaintiff. Appealed to the next Court of Assistants. Thomas Borman and Robert Kinsman bound.\*

John Knight v. John Woolcott. Debt. Verdict for plaintiff.†

Thomas Newall, jr., aged about thirty-five years, deposed that Burill heard that Farar would not suffer a highway to go over the land he had exchanged and further that he would not allow said Burill to go over without paying, etc. Sworn, 17 : 7 : 1666, before Wm. Hathorne,‡ assistant.

\*Stephen Peirce, aged about fifty-five years, and Cristopher Milton, aged about thirty years, deposed that the place which Thomas Clark and Samuell Bishop showed as the place where Goodman Laiton cut this thatch, was an island in the river about forty rods long. Sworn in court.

Daniell Hovey, jr., and Thomas Clerke, jr., deposed that at low water the island was surrounded by water, for they had worked there before low water until the tide rose again. Sworn in court.

Thomas Clarke, aged twenty-eight years, and Samuell Bishop, aged twenty-one years, deposed that going down the river they saw Goodman Laiton cutting creek thatch, etc. Sworn in court.

Robert Kinsman deposed that he and John Perkins measured the thatch banks adjoining Mr. Borman's island and found it to be about 53 rods at the longest point northeast which butted upon Mors point from high water mark to low water and that there was no creek parting them but such flats as a man may go over dry shod and drive a team laden over, which had been done divers times. John Perkins testified the same. Sworn in court.

Thomas Howlet, sr., and John Gage, sr., testified that at the first planting of the town there was an order made by the town that there should be two rods left free on the river for the benefit of the inhabitants above high water mark, from the town to the neck and also above. Further, that lots were always so laid out thirty-two years since. Sworn in court.

‡Writ, dated Sept. 7, 1666, signed by Anthony Somerby,‡ for the court, and served by Caleb Moody,‡ constable of Neubury.

John Woolleot,‡ Dec. 6, 1664, acknowledged a debt of twelve pounds to John Knight of Neubury, for his servant Will. Harris, to be paid in wheat and barley at Knight's house at Newbury, also said Knight was to have all the hay he cut upon Woolleot's marsh.

‡Autograph.

Capt. Walter Price v. Mordicha Creford. Debt. Nonsuited.\*

Mr. Peeter Duncan v. Thomas Verry. Debt. Verdict for plaintiff. †

William Neph v. John Woolcott. Debt. Verdict for plaintiff. ‡

Wit : Wil. Neph. § On the reverse of this paper, Goodman Chanler and Will Neph, Dec. 20, 1663, mentioned.

John Knight's bill of costs, 1li. 11s. 2d.

John Knight's § receipt, dated Nov. 5, 1665, to Daniel Perc upon account of John Woolcot for six pounds in wheat at 5s. per bushel and barley at 4s. 6d. per bushel. Owned in court.

William Harrison, aged about eighteen years, deposed that he was present when his master John Woolcott tendered John Knight two oxen then in the cart for the debt, and he offered to have them appraised as corn. Sworn, Sept. 25, 1666, before Samuel Symonds. §

Abell Hews, aged about sixty-four years, and Accquilla Chas, aged about forty-eight years, deposed that in the year 1665 a little after Mickellmas, they were at John Knight's house, etc. Sworn, Sept. 25, 1666, before Samuel Symonds. §

Nicholas Noyes § and Richard Dole § certified that according to their light and conscience they appraised the brown oxen to be worth but ten or eleven pounds in wheat or barley at price current at Boston, which the last year was 4s. per bushel, etc. John Knight § certified to the price of grain. Sworn in court.

\*Writ, dated 4 : 5 : 1666, signed by Hillyard Veren, § for the court, and served by Samuell Williams, § constable of Salem.

†Writ, dated Sept. 12, 1666, signed by Thomas Riggs, § for the court, and served by Steven Glover, § constable of Gloucester, by attachment of the house, an acre of upland and two acres of marsh of defendant's.

‡Writ, dated Sept. 7, 1666, signed by Anthony Somerby, § for the court, and served by Calleb Mody, § constable of Newbery.

John Knight § testified that "about the 6 of last march was twelmunth," John Woolcot came to deponent's house to talk with William Neph to help him to work at Poskataque and agreed to give said Neph three pounds per month and his diet in cotton and English wool at price current. In case he did not like the wool, Woolcott was to pay him in boards at 40s. per thousand, as he was to have such pay of Capt. Barfut. Said Neph lived at deponent's house when the bargain was made and he went away with his things and stayed about nine weeks. Sworn in court.

John Wilson § deposed that Neph worked with him for John Woolcot upon a saw mill above Poskataque eight weeks. Sworn in court.

§ Autograph.

Edmond Farrington v. Henry Woormwood. Defamation. Verdict for plaintiff.\*

Thomas Farrer v. Frances Burrell. For not giving a deed of assurance of a marsh. Verdict for plaintiff.†

Anthony Ashbie v. Mr. Samuell Willson. Verdict for plaintiff. Thomas Snawsall appeared in place of Mr. Willson and appealed to the next Court of Assistants. Thomas Snawsall and Thomas Bishop bound.‡

William Neph's bill of costs, for going for John Wilson to Grenland, etc., 1li. 17s. 8d.

Willyam (his mark) Harrison, aged about eight years, deposed that he was present when his master John Willcoat delivered Willyam Nef two yards of broadcloth at 14s. per yard and tendered him also cotton wool and sugar, and because he could not have it all in cotton wool, said Nef went his way. Sworn, Sept. 25, 1666, before Samuel Symonds.§

\*Henery Stasee deposed that he heard Henery Wormewood say that old Goodman Faringtone was a thief and he would prove him one for he had stolen six quarts of corn out of a bushel and a half. Sworn, 22 : 7 : 1666, before Wm. Hathorne,§ assistant.

Mathew Farrington deposed. Sworn in court.

Allin Bread, sr., deposed that Edmond Farrington told him that Henrye Wormwood had stolen a load of hay. Sworn in court.

Mathew Farington, jr., aged fifteen years, deposed that he heard Wormwood say that his grandfather, Edmond Faringtone, was a thief, and that he had stolen corn and a great brass kettle from his sister. Sworn, 22 : 7 : 1666, before Wm. Hathorne,§ assistant.

Edmond Farrington's bill of charges, 2li. 8s. 4d.

†Francis Burrill§ and Thomas Pharrar§ agreed, Aug. 12, 1665, that Thomas Farar should have nine acres of marsh of said Boorrill's, etc., and that Fransis Boorrill should have of said Farar a neck of marsh bounded north upon John Boorrill, south upon the great river, west upon a creek, etc. Wit : William Crofts§ and Ann Crofts. Sworn, 17 : 7 : 1666, before Wm. Hathorne,§ assistant.

Thomas Newall, jr., and Richard Haven deposed that they valued Burill's lot 33li. better than Farrer's. Sworn, 22 : 7 : 1666, before Wm. Hathorne,§ assistant.

‡Writ, dated 12 : 7 : 1666, signed by Jonath. Negus,§ for the court, and served by Rich. Wayte,§ marshal of Suffolk. Bond of Samuell Wilson.§

Bill of costs, 1li. 16s.

Isack Williams, aged about thirty-six years, deposed that being at Boston in Samuell Wilson's warehouse with Mr. Anthony Ashbe,

§ Autograph.

Frances Burrell v. Thomas Farrar. Appeal. Verdict for plaintiff, reversing the former judgment.

he heard a bargain made between Wilson and Ashbe for a parcel of seal skins, about sixty or seventy, at five shillings per skin, which said Wilson was to pay in goods. Deponent further said that Wilson paid one piece of serge in part payment at the price of five pounds, the skins to be sent the first opportunity, and there was no one else in the warehouse at the time save a youth. Sworn in court.

Roberte Dutch, aged about forty-five years, and John Dutch, aged twenty years, deposed that they were employed by order of Anthony Ashby of Salem to carry sixty-one seal skins to Boston to be delivered to Mr. Samuell Wilson, and the latter refused to receive them. Wilson said that they were not delivered on time, neither were they according to his samples, nor were the eighty agreed upon sent to him, and the skins lay upon the wharf a night or two. Finally Wilson gave them liberty to carry them up into his warehouse garret upon courtesy. Sworn in court.

William Browne, jr., deposed that he had a bill from Mr. Ashby to Mr. Samll. Willson and he asked Willson if he would discount the amount deponent owed him. Willson said he would not, for he was to pay said Ashby in hats at 9d. on the shilling advance, and deponent told him that Mr. Ashby promised him that he should have it in what goods he wished at 6d. on the shilling advance as they cost in England. Deponent told him that he would not meddle with his hats. At another time Willson said that he would not pay in hats till he was ready to go away, etc. Sworn, 25 : 7 : 1666, before Wm. Hathorne.\*

Thomas Snawsell, aged about thirty-two years, deposed that he was attorney to Mr. Samuel Wilson of London, merchant, and Ashby demanded satisfaction for the skins contracted for before Mr. Wilson went to England, etc. Further that Wilson expected pay for the warehouse room where the skins were placed, etc. Sworn in court.

Tho. Bishop\* deposed that he was at Boston when Robert Dutch's boat came to Boston, and the latter told deponent's brother Willson, etc. Sworn in court.

Robert Dutch deposed that he carried the skins from Epsheige, etc. Sworn in court.

Tho. Clarke, sr., deposed that Ashby had a parcel of seal skins at deponent's house, two of which he sent to Boston as samples, etc. Sworn in court.

Thomas Snawsell deposed that he was present when Mr. Anthony Ashby of Salem, in June, 1665, was in Mr. Willson's warehouse buying some serge and stuff to the amount of 4li. 12s., which he agreed to pay in twine, oil or silver, etc. Sworn in court.

\*Autograph.

John Marsh v. William Sprag. Non-payment of an agreement. Verdict for plaintiff.\*

John Megus was allowed costs in the action brought by Samuell Dutch, the latter not prosecuting.†

Thomas Varney was allowed costs in the action brought by Robert Crosse, the latter not prosecuting.

Selectmen of Linn presented Ralfe King to be licensed to sell liquors by the quart, and the court confirmed him.

The elders and six of the inhabitants of Newbury presented a certificate to this court that Benjamin Lowell and Elizabeth Lowell were of age to receive the portions left them by their father and mother, and the court allowed it.

\*Writ, dated July 28, 1666, signed by Hillyard Veren,‡ for the court, and served by Samuell Ward,‡ constable of Marblehead.

Edward Yeard, aged about twenty-five years, deposed that being in Boston harbor on board the ketch Providence, on June 25, he heard William Sprake and John Marsh bargaining about a barrel of powder, Sprake promising to pay 4li. 10s. for half a barrel, provided it was good. Whereupon a barrel was delivered to William Poet's boat at Boston to be carried to Marblehead. Sworn, 30 : 6 : 1666, before Ri. Bellingham,‡ Govr.

Thomas Hearson, aged about forty-three years, deposed that being at Marblehead, he helped unload what looked like a barrel of powder, but when it was opened it was found to be currants. Sworn, 24 : 7 : 1666, before Wm. Hathorne,‡ assistant.

Letter of attorney, dated Aug. 24, 1666, from John Marsh§ to Mr. Joseph Gardner. Wit : Zebulon Hill‡ and Nicho. Watirland.‡ Sworn by Zebulon Hill, 4 : 7 : 1666, before Wm. Hathorne.‡

William Poet, aged about twenty-five years, deposed. Sworn, 30 : 6 : 1666, before Ri. Bellingham,‡ Govr.

Robert Martin, aged about thirty-three years, deposed. Sworn, Sept. 8, 1666, before Edward Tyng,‡ commissioner.

†John Collens, jr., aged about thirty years, deposed that Samuell Duch was at deponent's father's house intending to go to sea when John Meagers came to the house. Duch went out and Meagers tried to catch him, but the former went back into the house. Hugh Row and Meagers stood one at each door to prevent him from getting out, but at length Duch escaped to his canoe and then to his boat. Meagers, not being able to catch him, said he would have him if he were above ground, but did not say what he wanted of him. Further deponent heard Meagers say, when Peter Duncan and he fell out, that he would have killed Meagers, if he had had anything to do it with, though he hanged for it. Sworn in court.

‡Autograph.

§Autograph and seal.

Mr. Oliver Purchase was licensed to sell strong water by the quart for one year at the Iron works.

John Meagus, appearing, was discharged.

John Mansfield was allowed costs in the action brought by Joseph Armitage, the latter not prosecuting.

William Gutterson dying intestate, administration upon his estate was granted to Elizabeth Gutterson, his widow. There being an inventory\* presented amounting to 56li., and there being five children, court ordered that she have the estate for the bringing up of the children and to pay them 20s. each at age.

James Moulton was made free, he bringing a certificate from the secretary of the General Court.

James Travers and his mother having petitioned to the General Court to have the action transferred to this court, the court saw no cause to alter the order made in Sept., 1659 for disposing of the estate.

Nicolas Vanden, convicted of running away from his master, Robert Crose, and stealing from him and others, was ordered to return the stolen goods and to pay double the value of them. He was also to be whipped for running away, breaking prison and stealing. The goods stolen amounted to 22li. 3s. 6d. and costs which said Vanden was to pay by service as the court should appoint. †

Wm. Addams chose his uncle John Adams as his guardian.

\*Inventory of the estate of William Guttersonn, deceased July 12, 1666, taken by William Goodhue † and Thomas Kimball: ‡ His tools and old Iron, 5s.; 4 Cowes one 2 years old and a year old and calf, 20li.; muskett and sword and what belongs too itt, 1li. 12s.; his wearing apparel, 5li.; books, 12s.; a beed and Rougg, bolsters, 5li.; a chest and 3 boxes, a bead line, 1li. 2s.; sheets too payer, too pilouebers & napkins, 3li.; Iron potts and a scilett & a frying pan, 1li. 13s.; earthen and wooden ware and tin ware, 2li.; lumber, hemp and flax, 1li.; his shar of Ind. corn, 22 bush., 3li. 6s.; his shar of English on the ground, 1li.; old Iron, 10s.; a sowe and too shottes, 1li. 10s.; total, 56li. Sworn in court by Elizabeth Gutterson, the widow, before Robert Lord, † cleric.

‡Bill of charges, dated 19 : 7 : 1663, sworn to by Theophilus Willson and Thomas Willson : Riding to town, horse & man to give nottis of his Ronen away, 3s.; for senden three men & three horses with three hew and Crise, 9s.; for too men & 2 horses to search & inquier of Salem farmes & out houses, 6s.; giting of him Cried at Salem on a Lecttor day, 2s.; too menn & too horses one day more, 6s.; expenses in our travelles, 5s.; damidg in my buisnes

† Autograph.

Widow Martha Halfield being non compos mentis, Thomas White was appointed her guardian to have charge of her estate and to be responsible to her in case she had her senses again.

Ordered that the keeper of the prison see that the prison be made secure by "okeing boards" or otherwise.

John Godfry, presented for being drunk, was fined.

John Godfry, presented for taking tobacco in the street, was fined, and the fine respitted.

John Baker and Obadiah Bridges, convicted of night walking, attempting to break the pound, running away and not standing, being required by the watchmen, two or three times coming to the pound, was fined and ordered to pay costs to Esay Wood and Samuell Graves.

John Attkinson and Samuell Moody, complained of by John Godfry, were fined.

Samuell Moody was allowed for charges about the county.

Court was informed that a dwelling house in Salem lately belonging to Mordicha Craford and since in the possession of Capt. Savage or Anthony Ashbie was burned Sept. 10, at night, and that the wife of Mordica Craford was held in suspicion for firing the same, since she had given out threatening speeches concerning said house. Court sent for some witnesses and also Edith, wife of Mordeca Craford, and having heard their depositions and her examination, also understanding that there were more testimonies to the same purpose, ordered that said wife of Mordica Craford be committed to the prison at Boston, there to remain without bail until the General Court. Ordered further that the copies of

about my haye, Losse & spoyll, 2li.; for what hee stole & spoylde, 10li.; stolle a seardg sut of mine worth 2li. 10s.; a payer of new bootes worth, 1li. 6s.; 4 Sheartes, 2li. 4s.; a skarfe & a skarfe & a hood, 1li. 15s.; fieve Knives, cost 4s.; a new payer of sissores, a gimlet, 1s. 9d.; breacken open of a Cheast steelen a Come Cost 12 pence money & 2s. 6d. in money & the lock, 2s.; 2 payer of leather gloves, 4s.; five neck handearchers, 2 pocket hand earchers, 7 dressenes, 2 pare of under sleeves these at the Loest rate, 30s.; a payer of new breeches of my sounes & drawers, 10s.; a new inck-horne in money 6d.; my sonn was at bass river when the hew & Crie came there which yet hath not binn reckoned which rid about by mackrell Cove & mantchestor to stop the pasedg & an other mesenger to gloster, 5s.; a hat of my sonnes which he hath on worth 6 or 8s.; total, 24li. 6s. 3d.



the proceedings of this court shall be transmitted so that the General Court may take further order, and that Mr. Anthony Ashbie, upon notice from authority, prosecute against said Craford and produce his testimony in any court where the action should be tried.

Anthony Ashbie informed the court of the fire at Salem and of the reason for his suspicions, and court ordered that a special warrant be issued to apprehend Edith Craford and bring her to the court.

Upon Mordica Craford's earnest petition to this court, it was ordered that if he procure security of 200li. for his wife Edith's appearance at the next Court of Assistants at Boston to Major Wm. Hathorne and to be of good behavior in the meantime, by next second day in the morning, that then she should not be sent to prison.

Five shillings were given to the house.

A record of strays in the court book of Ipswich:—

Richard Coye of Ipswich entered, Dec. 27, 1655, a gray horse with wall eyes.

John Adams of Newbery entered, Jan. 12, 1655, a red steer three years old.

Humphry Vinsent of Ipswich entered, Oct. 20, 1656, a black steer three years old.

John Perley of Ipswich entered, June 17, 1657, a black brown roan stone horse.

John How of Ipswich entered, 14 : 10 : 1658, a dark sorrell mare with a star in the forehead.

Edward Coborne of Ipswich entered, Dec. 14, 1659, a blackish brown colt with a bald face two years old.

Reinold Foster, sr., of Ipswich, entered, Sept. 21, 1660, a brown bay small mare with a mare foal taken damage fessant.

John Lambert of Rowley entered a black mare colt about two years old, appraised at Sli. by William Tenny and Ezekiel North-end.

Jerimiah Belcher entered, May 8, 1661, a dark bay mare appraised at 6li. 10s.

Twiford West entered, Dec., 1661, a horse colt two years old appraised at Sli. by Richard Holmes and James Bayley.

John Lambert entered, Mar. 6, 1661, a sad bay colt under a year old appraised at 5li. by William Tenny and James Bayley.

William Law took up a sorrell gelding two years old with a few white hairs on the forehead and a little feather on the nose appraised at 8li. by William Tenny and Richard Holmes. The owner came and the gelding was delivered to him.

Samuell Ingalls entered Jan. 1, 1662, a black heifer appraised at 40s. by John Gidding and John Gregory.

Richard Thurrill of Nubury entered a bay horse three or four years old branded with the letter N.

John Whipple entered, Feb 14, 1662, a dark brown bay horse about six years old appraised at 10li. by Joseph Whipple and Holick Country.

John Emry, sr., of Newbury entered, 18 : 12 : 1663, a stray bay mare about two years old appraised at 6li. by Daniell Thurston, John Bond and Thomas Bloomfield.

William Neff of Nubury entered, 20 : 12 : 1663, a brown bay mare three years old appraised by Tho. Bloomfield and Daniell Thurston.

Edward Allen entered, Jan. 11, 1664, a bay mare ambler appraised at 4li. by Theophilus Willson and Thomas Lovell.

Moses Bradstreet entered, May 11, 1665, a bay mare three years old appraised at 5li. by Samuell Platts and Nathaniell Elithorp.

John Gould entered, Dec. 9, 1665, a sorrell horse colt two years old with a flaxen mane and tail appraised at 3li. 15s. by Edward Towne and Zacheous Curtice, sr.

John Reddington entered, Dec. 14, 1665, a dark bay mare about three years old, her mane hanging on the near eye, appraised at 4li. by John Wild and William Smith.

William Hasscall of Gloster took up a bright bay horse appraised at 4li. 15s. by Henry Walker and Robert Crose.

John Gould entered, Jan. 22, 1665, a brown dark bay mare branded with an S and B., also a bay colt with a star in the forehead, appraised at 6li. 10s., by Zacheous Gould and Robert Smith.

Thomas Hart entered, Feb 2, 1665, a black bull calf appraised at 24s. by Robert Day and John Denison. Also entered by said Hart and John Denison, Feb. 2, 1665, a sandy boar appraised at 15s. by John Day and Thomas Day.

Benjamyn Roffe of Nubury entered, 15 : 12 : 1665, a gray mare three years old and an iron gray horse taken up at Newbury, both appraised at 9li. 10s., by John Knight and John Kely.

Caleb Kimball of Ipswich entered, Mar. 17, 1665, a blackish brown mare six years old appraised at 6li. by Mr. John Paine and Cornet Whipple.

Renold Foster, jr., entered, Jan. 9, 1666, a black steer appraised at 30s. by John Perkins and Richard Carr.

John Abbie of Wenham entered, Feb. 12, 1666, a bay horse about seven years old appraised at four pounds by Daniell Killam and Thomas Patch.\*

Will of Daniell (his mark) Thurston of Newbury, dated June 20, 1665, and sworn to, Mar. 27, 1666, by the witnesses, John Cheney, sr., before Wm. Gerrish and Nico. Noyes, commissioners, on Mar. 27, 1666, and by Richard Dole, before Robert Lord, cleric, on Apr. 10, 1666. He bequeathed his now dwelling house, barn, goods and lands to kinsman, Daniell Thurston of Newbury; to wife Ann, his feather bed, bolster and pillow, her chest and box, her clothing, her own brass kettle and iron pot, 10li. per year in corn, butter, cheese, pork or her thirds of the land, during her life; if she chose to live with said Daniell, he was to maintain her and give her 20s. per year, half in money and half in cheese and butter; he appointed Daniell Thurston, executor. [Original on file in the Registry of Probate.]

Inventory of the estate of Daniell Thurston, sr., taken Mar. 16, 1665-6, by Rich. Dole and Tho. Hale, jr., and allowed in Ipswich court, Mar. 26, 1666, upon oath of Daniell Thurston: House, barn and 60 acres of land, 380li.; beds and furnishings, domestic animals, etc.; total, 573li. [Original on file in the Registry of Probate.]

Will of Joana (her mark) Symonds of Ipswich, dated Apr. 6, 1666, and proved in Ipswich court, May 9, 1666, by the witnesses, William Goodhue and Robert Lord. She bequeathed all her estate equally to her two daughters, Prissilla, wife of John Warner, and Abigaill, wife of Robert Pearce, and to their heirs, and appointed her sons-in-law, John Warner and Robert Perce, executors. [Original on file in the Registry of Probate.]

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\*The next twelve pages, which complete the first volume of Ipswich records, contain the financial accounts of each court, including the receipts from fines and expences for court officers, etc., from 31 : 1 : 1646 to Sept. 25, 1666. Following is a brief abstract: 27 : 7 : 1653, for diat of Jury for trialls, 3li. 16s.; for the majestrats, constable & house for fire & lights, 3li. 8s. 9d.; grand jury, 2li. 2s.; expences at Mr. Baker's, 14li. 16s. 10d.; 2 bookes to record, one for births & deaths & one for deeds, 5s. 6d.; a quire of paper, 6d.; Mar. 31, 1663, expences at Mr. Baker's, 34li. 14s. 6d. Sept. 25, 1666, expences at Decon Pengrye's, 4li. 19s., and at Mr. Baker's, 12li. 11s. 6d.

Inventory of the estate of Joana Symonds, lately deceased, taken May 7, 1666, by Thomas Knowlton and Robert Lord, and allowed May 9, 1666, in Ipswich court: Peneston, lockroom, cersye wast-coat, serge petecote, rash peticote, murry peticote, blue apron, and other wearing apparel; five pair of gloves, 10s.; old muffe, 1s. 6d.; pair of spectacles, 4d.; debts due, 10li. 2s.; debts owing, 6li. 9s.; total, 31li. 10s. 2d. [Original on file in the Registry of Probate.]

Will of Bridgett (her mark) Bradstreet of Ipswich, widow, dated Oct. 16, 1665, and proved in Ipswich court, Mar. 28, 1666, by the witnesses, Lift. Samuell Appleton and Joseph Whipple. She bequeathed to son Moses, the barn, her musket, her great chest and chair, the kettle, beer vessel, two keelers and churn, which with what she had already given him amounted to 40li.; to eldest daughter Martha Beale, the gown of testator's, which she had in her possession, her green hood, a pewter dish, Mr. Norton's book, one sheet and one pillowbear; to daughter Mary Kimball, her old Bible, cloth waistcoat, stammell petticoat, a bolster and pillow, pewter dish and brass candlestick; to daughter Kembal and daughter Wallis, her still for the use of both, the longest liver to have it, also her skep of bees, the said daughters to give the first swarm to their other two sisters; to daughter Wallis, Mr. Cobbitt's book, her serge gown and cloak, pewter dish, skillet, the bed upon which she now lay, with furnishings, white rug, iron pot and peni-stone petticoat; to daughter Rebecka Bonfield, her black serge petticoat, bearing cloth, pewter dish and her two lesser iron pots; to grandchild Hanah Roffe, her hat, wearing linen, chest and sheets, two heifers and a serge waistcoat; other estate to be equally divided among her four daughters, and Samuell Platts to be executor. [Original on file in the Registry of Probate.]

Inventory of the estate of widow Bridgett Bradstreete, taken by Sa. Appleton and Joseph Whipple, and allowed, Mar. 28, 1666, in Ipswich court: Domestic animals, warming pan, 10s., bedstead, butter tub, tray, trenchers, pail, etc.; books, 1li. 8s.; meshing tub, 3s.; 1 book, 12s.; case of bottles, 4s.; beer barrel, basin, towels, etc.; pair of little scales, 1s.; sermon book, 2s.; 14 dressings, 4 neckhandkerchiefs, apron, black hood, 9 quoinies, foresleeves, hat, and other wearing apparel, 3li. 9s. 5d.; tow comb, table, cubbard, musket, etc., 4li.; total, 80li. 14s. 11d. [Original on file in the Registry of Probate.]

Will of William (his mark) Stickney of Rowley, dated Jan. 21, 1664, and proved by the witnesses, Maxemilian Jewett and Samuel Brocklebanke, Mar. 28, 1665, in Ipswich court. He desired to be buried in the "common burying place," and bequeathed to wife Elizabeth, during her life, his dwelling house, barn, orchard, etc., within the five-mile bounds of the town of Rowley, land in Ipswich west meadows, one-third of the household stuff and two cows; to son Samuel, "I haveing beene at certain cost" for him, 10li.; to son Amos, "he haveing at no time beene anyway benefittiall to my estate, and I haueing procured him a trade & given him some p<sup>t</sup> of estate toward his settling," 5li.; to son John, his wife's inheritance to be in said John's possession, provided he pay out of it enough to make the portions of the other five children equal with his portion, and pay to his mother 3li. 10s. yearly, carefully winter her two cows and she to enjoy the use of one of the rooms; to son Andrew, land at Merimack, and if it prove to be worth more than his share, he was to pay back so much to his brothers and sisters to son Thomas, his village land, with the same provision as the foregoing; to daughters, Mary, Faith and Mercy, their proportions in movables, at age or time of marriage; Maxemillian Jewett and Samuell Brocklebanke, overseers. [Original on file in the Registry of Probate.]

Inventory of the estate of Wm. Stickny, taken by Mr. Phillip Nellson, Maxemillian Jewett, Samuell Brocklebank and John Brocklebanke, and allowed Mar. 28, 1665, in Ipswich court: In his purse, 10s. 9d.; serge cloke and sute, cloth coat, red wastcot, bootes, and other wearing apparel, bed and furnishings; one carpitt, 14s.; bed in parlor chamber, yellow rug, trundle bed, cotton, tow, yarn, wool, flax, curtains, domestic animals, etc.; dwelling house, barn, orchard, 50li.; 3 acres about the house, 1 1-2 acres at "Poliped lotts," 2 1-2 acres in common field, 1 1-2 acres at new plain, 6 acres near the long hill, 107 rods at Mr. Dumer's farm, 39li. 15s.; six gates, 6li.; land at Bachilor's meadow, cow bridge, salt marsh at Mr. Dumer's, at great meadow and west meadows, at the village, Merimacke; grain, spinning wheeles, cardes, kitchen utensils; bookes, 12s.; great table, 10s.; chairs, weights, measures, earthen ware; guns, 3li. 16s.; swords, bandeleurs, and ammunition, 1li. 12s.; axes and other implements, carts, sleds; leather, 14s.; total, 416li. 14s. 1d. Debts due at Ipswich and Rowley, 5li. 15s. [Original on file at the Registry of Probate.]

Will of John Fuller, without date, proved by Mr. Wm. Hubbard and Symon Tompson, Sept. 25, 1666, in Ipswich court. He bequeathed to son John, 20li., to be paid two years after his wife's decease; to son William, 5s. at age, but if he relinquish his right in his land now in testator's possession, to have 30li. at age, and to him and to his brother John, he gave no more because their uncle had undertaken to give them sufficient portions; to daughters Susanna and Elizabeth, 10s. each, at age or marriage, but no more because their grandfather had given them portions; his wife and son James, executors, but if his wife married, James was to have entire disposing of the estate, until his brothers became of age; James to pay his mother 7li. per year or else allow her to enjoy her thirds according to order of the General Court; to his wife, his best bed, bedstead and furniture; estate to be appraised within one month after his death, to be divided into seven equal parts, and as much as the seventh part amounts to, to be paid to each child not already mentioned, Thomas, Nathaniell, Joseph, Sarah, and the child not born, at age or within four years after, in four payments; son James to enjoy the remainder, and if any child die before reaching majority, this portion to fall to James; Mr. Symonds and Major Denison, overseers. Wit: William Hubbard, jr., and John Leigh. It was further added that if any estate were recovered in England that it was to be equally divided to the four children mentioned and the child to be born, reserving to James only a double portion. Wit: William Hubbard and Symon (his mark) Tompson. [Original on file in the Registry of Probate.]

Inventory of the estate of John Fuller, lately deceased, taken June 29, 1666, by John Dane and Symon (his mark) Tompson, and allowed, Sept. 25, 1666, upon oath of Elizabeth Fuller, in Ipswich court: House, barn, pastures at the homestall, 150li.; land at Plumbe Island, at west meadow, and adjoining Goodman Fellows, 80li.; wearing apparel, domestic animals, etc.; bouldsters, pistols, saddle & bridle, 2li. 10s.; shelve of pewter, 1li. 10s.; one muskett, 1li. 5s.; one fowleing peece, 1li.; nynce dozen trenchers, 9s.; kitchen utensils, bell, beds and furnishings, etc.; mortar and looking glase, 8s.; table, trundle bed, cradle, books, grain, corded bed; trenchers unfinished, 10s.; cow hyde, 10s. [Original on file in the Registry of Probate.]

Will of Thomas (his mark) Wells, sr., of Ipswich, dated 31 : 5 : 1666, and proved by the witnesses, Tho. Bishop, sr., and Thomas

Burnam, sr., Nov. 16, 1666, before Worshipfull Mr. Samuall Symonds and Major Genll. Denison, the clerk being present. He bequeathed to wife Abigaill, 8li. yearly in wheat, malt, pork and Indian corn, in lieu of dowry, she to have one of the best rooms in the house, either the hall or the parlor, and to have liberty to bake, brew and wash in the kitchen and to lay the grain in the hall chamber, free use of garden ground, well fenced in, to have land tilled to sow flaxseed on, freedom in both cellars, sufficient firewood, liberty to keep three or four hens, a pig or hog, and to have one-sixth of the fruit of the orchard, the old bay mare upon which she rides, bridle, pillion seat and pannell, two cows, and their keeping, and good house room for them, the Bible she uses, the book called "The Soul's Preparation for Christ," and Perkins' upon the Creed, also the bedstead and furnishings, the best green rug, best chest and inlaid box with T. W. upon the lid, half the linen and a third of the woolencloth in the house or at the weaver's, half the pewter that was her own father's, the pewter pint pot, a brass or iron pot, save the great iron pot, iron skillet, four best spoons, good porringer, couple of saucers, best low chair, her little chair, a good cushion, one of the great wheels, little spinning wheel and the warming pan, free use of kettles, milk vessels, well for water, place for clothes to be spread.

To second son John, having received 350 acres belonging to testator in Wells, Maine, also two cows, and 10li. 15s. paid for him to Stephen Kent of Haverhill in cattle upon bill due from Francis Littlefield, his father-in-law, all this in lieu of his portion, 10li., to be paid in ten years in cattle and grain, his cloak, one of the great pewter candlesticks with the top, two great saucers, two little saucers, and to Sarah, his wife, one five shilling piece in gold; to two eldest daughters, Sarah Massie of Salem and Abigaill Tredwell of Ipswich, who have had each 30li., the former to have a cow or 4li. 10s. in other cattle within a year and a half after his death, with the grass from salt marsh adjoining the northwest end of Mr. Wade's, near Hog Island, all to be enjoyed until the decease of "my Brother Massie, her father in law," and then to return to the estate; to daughter Abigaill, six acres at Plumb Island and a cow.

To youngest son Thomas, 250li. within seven years, four months and nine or ten days after he is twenty-one, his birthday being 11 : 11 : 1646, in cattle, horses, grain, etc., which, if the executor did not pay, said Thomas was to take possession of the house where

testator lives, and if he died before majority, the portion to be divided among the other children, John Wells, Sarah Massie, Abigail Tredwell, Elizabeth Wells, Hanah Wells and Lidia Wells. Also Thomas was to enjoy the parlor chamber, have free use of firewood until he marry, have his diet and washing at cost of the estate until he comes to the age of twenty-two years, four months and ten days, to have all the books bought for his use, "my three phisicke bookes & the booke called the orthodox evangelist, the great sermon booke & Hyelings Geogripha," the little chest and table he made in the hall chamber, the white box and the chest planks to make him a chest on, the little iron candelstick, "my white rule, my red pensheare & my pen knife & my sword & scabitt and my firelock, muskett, w<sup>th</sup> a square barrell & the mould worme & scourer," the little bedstead in the hall chamber and furnishings, the silver bowl, one two and twenty shilling piece of gold, all interest in the bond due from John Andrews of Ipswich, carpenter, save 6li. 10s. to son Nathaniel, toward his charge in going to the college, books, apparel, etc., or to put him to Mr. Alleocke, also "the new pictures viz of the King & Queene, & of the five sences," his stuff clothes and best stockings.

To three youngest daughters Elizabeth, Hannah and Lidia, 35li. each, one year after marriage or at the age of twenty-one, in cattle, sheep and grain, and each a Bible and "a good Christ," within a year after his decease; to Sarah Massie and Abigail Tredwell and to Elizabeth Wells and Lidia Wells, "my owne daughters," two half-crown pieces of English money, and to Hannah Wells, his daughter, one ten shilling piece of gold; to wife Abigail, one-third of the English money "w<sup>ch</sup> shall remaine & be left, & not payd vnto the legaties y<sup>t</sup> is deceased in England & kindred of our vnckle Lumpkins," his wife to have the tuition of their daughters Elizabeth and Lidia until they marry or are twenty-one, but if said Lidia did not wish to live with her mother, then she was to be with her sister Sarah Massie, and Mrs. Mary Rogers of Rowley to have the education of his daughter Hanah, if she "will please to doe me that favour;" to cousin Mary Barker, alias Lane, of Colchester, 50s. in old England money, in accordance with an agreement with his brother Daniell Warner in answer to a request of their aunt Lumkin, alias Stone, late deceased, as set forth in a letter sent from Colchester; to eldest son Nathaniel, the residue, provided he accept the trust of executor, and if he die without issue, the estate



was to return to son Thomas and his male heirs, who was to pay to Lidia, Nathaniel's wife, 40li., and to her children, 140li., and also to pay to son John, 40li. Thomas Bishop, sr., and Mr. Thomas Andrews, overseers, and guardians of Thomas, to whom he gave 10s. each. [Original on file in the Registry of Probate.]

Inventory of the estate of Thomas Wells, taken Nov. 12, 1666, by Thomas Bishop and Robert Lord, and allowed, upon oath of Nathaniell Wells, 15 : 9 : 1666, before Mr. Samuell Symonds and Major Genrll. Denison: House, barn and farm, 650li.; domestic animals, beds and bedding, kitchen utensils, yarn, china dishes, hour glass; books, 3li.; remnants of cloth, mapps, paper pictures, 1li.; flax & hemepe, flax seed, hempseed & whitleather, 16s.; books in Thomas Wells' hands, 8li. 6s. 3d.; total, 1,014li. 3s. 3d. [Original on file in the Registry of Probate.]

Will of John Cheny, sr., of Newbury, dated 5 : 4 : 1666, and proved by the witnesses, Richard Dole and William Ilsie, Sept. 25, 1666, in Ipswich court. He bequeathed to son Daniel, his dwelling house, barn and land, in the old town of Newbury in one enclosure by itself, cart, plough and harrow, etc.; to wife Martha, the use of the house and maintenance by son Daniell, but if she choose to live elsewhere, 10li. yearly, her wearing apparel, household goods, and the mare; to son John, the two-acre lot, sometime Anthony Short's, in the south field at Newbury oldtown, three acres of salt marsh on the neck, south side of Newbury river, twenty-four acres in Salsbury newtown at Jameca, so called, next to Haverill bounds adjoining Salsbury river at one end and Haverill highway on the other, his wearing apparel, matchlock musket, the shortest croscut saw, heifer called "Brindle," also 30li. after his wife's decease, and the great brass kettle, pewter dish marked I. C., white bed rug, and six bushels of apples yearly for seven years; to son Peeter, 10li. already in hand, and 5li. more and six bushels of apples; to son Nathaniell, four oxen, yokes and chain, two cows with their calves, one called "old Line the other called pie," a heifer, calf, colt, heifer called "Kurle," also "his Armes compleate," broad hoe, ax, sithe, sickle, half-headed bedstead and furnishings, the great iron pot, lesser posnet, and 20li. after his wife's decease, the best chest, his Bible, pewter platter and six bushels of apples; to daughter Elizabeth, three cows, "Sparke," "Whitfaued" and "Col," two heifers, 15li. in cattle and grain; to Joseph Plumer, 5li.; to John Kinrick, 4li. which he owed him and a cow; to Richard

Smith, 5li.; to William Laws' three daughters, Rebeca, Mary and Precilla, 40s. each; to grandchild, Abiel Sadler, whose father died before he was born, testator being his guardian, and court ordering 10li. out of his father's estate at twenty-one, 5li., also the lasts and tools belonging to his trade, and a "great bossed bible" and a pewter bason which belonged to his father; to grandchild Hanna Burkebe, 3li. at age of eighteen; Daniel, his son, executor. [Original on file in the Registry of Probate.]

Inventory of the estate of John Cheney, sr., of Newbury, taken Aug. 22, 1666, and allowed, 25 : 7 : 1666, in Ipswich court: House, barn, orchard and lands, 350li.; domestic animals, wearing apparel, beds and furnishings, furniture, books, cubbard, spinning wheels; tools and 42 lasts, 10s.; 2 paire of pinchers & 8 tacks & one punch & 3 knives & 2 dressours, 2 raiseing wedges, one hollowing stiek, one stopping stiek, one cutting knife and patternes, 10s.; shoemakers hammer, 1s.; cheese, bacon, kitchen utensils; six spoons, 2s.; silver spoon, 5s.; hide at the tanner's, 10s.; total, 557li. 9s. [Original on file in the Registry of Probate.]

Will of Thomas Emerson of Ipswich, dated May 13, 1653, and proved by the witnesses, George Gidding and Daniell Hovey, and Robert Lord, May 10, 1666, before Mr. Symon Bradstreete and Major Genrll. Denison: He bequeathed to son Joseph, 80li., 40li. to be paid out of his farm by his son John to Joseph, according to an agreement dated 26 : 9 : 1648, and 40li. to be paid by Nathaniell within six months after the decease of testator and wife; to son Nathaniell, the house, and the meadow bought of his son Joseph, sometime Mr. Woodmansie's; to daughter Elizabeth Fuller, the best featherbed, bolster, blankets, coverlet and bedstead, until her daughters Susanna and Elizabeth married or became twenty, then the latter to enjoy them, also the great carved chest and the carved box, a little trunk and small carved chest; Elizabeth, his wife, was to enjoy the yearly rent of the farm, with six head of cattle, the house, household goods, cattle, during her widowhood, but if she marry again, to enjoy only the rent of the farm and cattle, Nathaniell to pay her; wife Elizabeth, executrix, and Mr. Samuuell Symonds and Major Genll. Daniell Denison, overseers. On Jan. 4, 1660, Thomas Emerson declared that he had given his son John his portion. He further gave to son James, 5li. to be paid after the death of himself and wife, if said James ever come over to this country or send a certificate that he is then living. [Original on file in the Registry of Probate.]

Inventory of the estate of Thomas Emerson, sr., deceased 9 : 3 : 1666, taken by William Goodhue and Symon (his mark) Tompson, and allowed, Sept. 25, 1666, in Ipswich court, upon oath of the widow Elizabeth Emerson: House and land, 150li.; domestic animals, wearing apparel, beds and bedding, boxes and chests, carpet; table & chaires, stoole glas case & wt. is in it, 3li.; brass, pewter, bandaleours, etc.; total, 257li. 3s. [Original on file in the Registry of Probate.]

Will of John Brocklebanke, dated Nov. 30, 1665, and proved, Sept. 25, 1666, by the witnesses, James Barker and Samuell Brocklebanke. He bequeathed to John Stevens, his apprentice, 20s.; to Mary Michell, his maid servant, 20s.; to wife Sarah, one-half the estate; to daughters, Elizabeth and Sarah, the other half equally, at age or marriage, the survivor to have the deceased sister's portion; wife Sarah, executrix, and his "very loueing and tender father in law," Harchelas Woodman, and brother Samuell, overseers. [Original on file in the Registry of Probate.]

Inventory of the estate of John Brocklebanke, taken by James Barker and Leonard Harryman, and allowed, 25 : 7 : 1666, in Ipswich court, upon oath of widow Sarah Brocklebanke : Books, 1li. 5s.; wearing apparel; boote hose tops, 3s.; beds and bedding, table, chairs; one Rapier & belt, 16s.; halbert, 5s.; trunk, boxes and hatt case, 10s.: pewter, tin, earthen ware, milk and beer vessels; kitchen utensils; gun, 6s.; two skins, 4s.; coopers tooles, 1i.; carts and furnishings; house, orchard and land, 55li.; land at polipod lots, 6li.; 5 comonges or gates, 5li.; land at Long hill, 5li.; half the salt marsh at Mr. Nellson's Iland that was laid out to Sam. Brocklebank, 8li.; salt marsh at Nuberry Neck, 10li.; land & meddow at the pen, 80li.; domestic animals; total, 243li. 8s. 6d.; debts due to the doctor and others, 40li. [Original on file in the Registry of Probate.]

COURT HELD AT HAMPTON, 9 : 8 : 1666.

Jury of trials : Jno. Severans, foreman, Georg. Goldwyer, Tho. Barnard, Rob. Jones, Tho. Whiteher, John Griffyn, Georg Vesie, Tho. Sebroke, fined, Rob. Page, Jno. Brown, sr., fine remitted, Leift. Ben. Swett, Natt. Boulter, Henry Dearbourn and Jno. Foulsham, jr. Mr. Rich. Oliver sworn.

Constable of Hampton was fined for not returning his warrant for the jurymen.

Civil cases:—

Jno. Severans v. Robert Downer. For mowing the grass of his meadow, three acres, according to the grant adjoining the meadow lot of widow Willix in a place called the barberry meadows in Salisbury. Verdict for defendant.

Nath. Boulter v. Nicolas Norris. For not making 2000 white oak pipestaves for plaintiff according to covenant dated Nov. 7, 1665.

Nath. Boulter v. Mr. James Pendleton.

Capt. James Pendleton v. Nath. Boulter, agent and attorney for Capt. Brian Pendleton. For withholding a debt of about fifty pounds for goods delivered. Verdict for defendant. Appealed to the next Court of Assistants. Capt. James Pendleton and John Redman bound.

Tho. King v. Nath. Boulter. Debt. For a part of saw mill land and privileges to the mill and a pair of wheels, for not paying for them according to covenant. Withdrawn.\*

Edw. Goodwin v. Georg Linche. For refusing to satisfy him for about eighteen weeks diet and lodging to the value of 3li. 12s. Withdrawn.

Capt. James Pendleton, agent and attorney to Capt. Bryan Pendleton v. John Knowles. Debt. Withdrawn.

Capt. James Pendleton, agent and attorney v. Phil. Toule. Debt. Withdrawn.

Capt. James Pendleton v. Jno. Fulsham, sr. Debt. Two cases. Withdrawn.

Nath. Boulter v. Mr. James Pendleton, agent and attorney to Capt. Brian Pendleton. For the eighth part of a saw mill given as security. Verdict for plaintiff. Appealed to the next Court of Assistants. Capt. James Pendleton and Christopher Palmer bound.

Anthony Tayler was dismissed from all military training and watches, allowing 4s. per annum to the Hampton company.

Court ordered that the estate of Rich. Brey, late of Exiter, deceased, be disposed of as follows: Mary, the widow, to have one-third of the house and land during her life and also one-third of the remainder of the estate for her own use and the other two-

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\*Copy of court record signed by Tho. Bradbury,† rec.

†Autograph.

thirds for the maintenance of the children, John and Mary, until they become of age or marry. The son was to have two-thirds of the house and land and the other estate, and the daughter to have the remaining third.

John Samborne was legally chosen ensign by the military company and townsmen of Hampton, and the court confirmed it.

Henry Green was dismissed from all trainings, allowing 6s. per annum to the military company of Hampton.

Upon request of Ensign John Samborne, he was granted power, according to an order of Salisbury court, 1665, to sell the estate of Robert Tuck of Hampton, late deceased, to the value of 40li., provided Joanna, the widow of Robert Tuck, consented.

Upon request of Ed. Gove, court took off the forfeiture for the non-prosecuting of his two appeals from judgment made 10 : 2 : 1666 by Salisbury court.

Nathaniell Batcheller was chosen and sworn constable of Hampton for the ensuing year.

Mr. Edw. Colcord acknowledged judgment to Mr. Rich. Oliver of Hampton.\*

Edw. Gillman was freed of all military trainings and watchings.

[Memorandum in the margin.] "To put Christ : old deed out of Robies case into Christ Palmer's case about y<sup>e</sup> mortgage Barnets bond Cp<sup>t</sup> Walderns writings."

Ordered that Mr. Jon. Gillman, Moses Gillman and Jona. Thing, all of Exiter, have the care of the estate of Rich. Brey of Exiter, late deceased, until the next Salisbury court.

Capt. Hussey, Mr. Sam. Dalton and Ensign Jno. Samborne were chosen and sworn commissioners to end small causes for Hampton.

Wm. Holdred, having complained against John Ilsly of Salisbury for his children abusing the daughter of said Holdred, now his apprentice, as by several testimonies appeared, court ordered that said Ilsly should restrain his children from further abuse upon penalty of 10li. to be paid to the treasurer of the county, and also to appear at the next Salisbury court for not coming according to summons.†

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\*Tho. Bradbury and Abraham Drake, marshal, deposed. ——— Roberts of Dover mentioned.

†Joseph Lankister, aged about twenty-six years, testified that the last winter as he was going by Goodman Elsly's house on a

Town of Exiter, presented for want of a pound, was fined.

Jno. Young of Exiter was fined for trading strong waters with the Indians.

Exiter's fine was respitted until the next Salisbury court, and the former committee, Wm. Fullar of Hampton, Richard Currier of Salisbury and Wm. Titcu[m] of Nubery, were to make a return to the court.

Whereas complaint was made to this court against Mr. Ric. Oliver for taking an Indian from Nantuckett without the consent of his father, who was there living, and said Oliver having an indenture signed by the boy, with the consent of an Indian who pretended to be an uncle of the boy as a witness, who also had a counterpart in his hands, court ordered that said Oliver should either return the boy to his father or procure a certificate signed by some of the English inhabitants of Nantuckett Iland or other legal testimony of the consent of the boy's father and to make return to Salisbury court. Also in the meantime to look carefully to the boy that he may not want what is convenient and necessary according to English manner if he did not return him.

Allowed 10s. to the servants of the house.

Jno. Souter and Hannah, his wife, acknowledged their sin in abusing Mr. Deering and declared themselves heartily sorry.

Court ordered that Sarah Read faithfully serve out her time with her Mistress Dearing according to agreement, and for absenting herself a fortnight from her service without her leave, she was ordered to serve three weeks longer.

Court allowed the county prison for Norfolk to be erected at Hampton.

Ordered for a county rate, 60li.

COURT HELD AT SALEM, 27 : 9 : 1666.

Judges : Mr. Symond Bradstreet, Mr. Samll. Symonds, Majr. Danyell Denison and Major William Hathorne.

Jury of trials : Mr. Edmond Batter, Leift. William Dixy, John Rayment, Joshua Ray, Nathall. Felton, Nicholas Manning, John

very cold day, he saw Goodman Holdredg's daughter very destitute of clothes and without stockings. Sworn in court.

Writ : Cornalus — ey v. Samewell Foulsham; for saying he stole his —, his wife affirming the same; dated 3 : 2 : 166—; served by Humphery Willson,\* constable of Exeter.

\* Autograph.

Collens, jr., Ensigne John Fuller, Robt. Rand, Crispes Brewer, Jonathan Poole and Richard Hutten.

Grand jury : Sergt. John Porter, William Dodg, sr., Anthony Buxton, Humphry Woodbery, Christo. Babbadge, Benjamin Felton, Silvester Evely, Thomas Pitman, Samll. Allen, Mr. Tho. Lughton, James Axy, Nathaniell Kertland, Henry Silsby and Thomas Fisk.

Mr. Bartholmew Gidney v. John Godfery. Debt. Verdict for plaintiff. The bench moderated the bond, which was to be paid in wheat.\*

John Peach, sr., Jon. Peach, jr., and Richd. Rowland v. William Nick. Trespass. Verdict for plaintiff.†

\*Writ, dated Oct. 31, 1666, signed by Hillyard Veren,‡ for the court, and served by Caleb Moody,‡ constable of Newbery, deputy of Henry Skerry,‡ marshal of Essex. Bond of John (his mark) Godfry.

John (his mark) Godfery of Newbury, on June 28, 1666, acknowledged a debt to Bartholmew Gedny, to be paid in wheat at said Gedny's in Salem. Wit : Samuell Williams‡ and Hilliard Veren, jr.‡

†Writ : John Peach, sr., John Peach, jr., and Rich. Rowland; for keeping cattle on the common or farm contrary to town order; dated Nov. 20, 1666; signed by Moses Maverick,‡ for the court; and served by Ambros Gall,‡ deputy constable of Marblehead, by attachment of the dwelling house of defendant.

Bill of cost, 2li. 4s. 6d.

Maj. Wm. Hathorne deposed that he was present when Francis Simson and the Nicholsons sealed the deed now delivered to the court and said Simson declared that the part of the farm mentioned was sold to James Smith before and he would not sign the deed until he was told that he had a part in the rest, the houses and land. Then he signed for the rest. Sworn in court.

Mary Rowland, aged about thirty-nine years, deposed that James Smith of Marbellhead bought of Edmund Nickhollson and Frances Simson their interest in the farm commonly known as Mr. Humphries farme for 8li. and said Smith went with Simson to Petter Pickford's stage, now William Nick's, where Smith paid him in fish. That Simson and one of Nickholson's sons carried the fish aboard a ship as soon as he had delivered it. Further that Smith said that they tried to get him to pay them 50s. for a cow which they had that had been hurt, pretending that Smith's steer had hurt her. That Smith and his successors have enjoyed the farm for the past sixteen years and have kept cattle upon it. Sworn, 2 : 9 : 1666, before Wm. Hathorne,‡ assistant.

‡Autograph.

Jon. Peach, sr., Jon. Peach, jr., and Richd. Rowland v. Richd. Norman. Verdict for defendant.\*

John Legge, sr., aged about fifty-eight years, deposed. Sworn, 2 : 9 : 1666, before W. Hathorne, † assistant.

John Walldern, aged about forty-two years, deposed that often times going fishing with Edmund Nickholsonn, the latter, when asked why he sold the farm, replied that he had no use for it. Sworn in court.

William Beale, aged about thirty-eight years, deposed. Sworn in court.

Moses Mavericke † testified, Nov. 2, 1666, that at a town meeting at Marblehead, James Smith, deceased, being called to account for keeping cattle, as was supposed, beyond his proportion, on the farm, told of his purchase of the farm. Edmund Nicolson was present and did not deny it. Sworn in court.

Emanuel Clarke, aged about forty-five years, deposed. Sworn, 2 : 9 : 1666, before Wm. Hathorne, † assistant.

John Burton, aged about fifty-eight years, deposed that, intending to go to Roade Island, he was asked by Samuel Aburne to inquire of Frances Simson, etc. Sworn, 12 : 9 : 1666, before Wm. Hathorne. †

Copy of a letter, dated Road Island, 17 : 1 : 1666, addressed to Samuel Eborne and signed "Thy freind" Frances Simson : "My loue is remembred to thee & to thy wife, this is to giue thee to understand that the share that my sisters first husband, had in the farme belonging to marble head, and mine alsoe, he sould to James Smith then liueing in marblehead & the pay was made by the s<sup>d</sup> James Smith for the whole to Edmond Nicholson, my sisters husband to my best remembrance, but for my selfe I had nothing to this daye, not looking for any but leaueing it to my sisters husband, as I did all that I had besides that, which is to me at this daye about two hundred pounds loss, my kinsman sold the farme with the house, being informed that it was but lett to James Smith by the yeare but I told George Corwin before Edward Norrice the scoolemaster, that to my best remembrance, it was sold to James Smith, therefore he should not pay till the ease was cleere." Copy made by Hillyard Veren, † cleric.

\*Writ : John Peach, sr., John Peach, jr., and Rich. Rowland v. Richard Norman; trespass; for keeping cattle on the farm or common contrary to town order; dated Nov. 20, 1666; signed by Moses Mavericke, † for the court; and served by Ambros Gall, † deputy constable of Marblehead, by attachment of the dwelling house of defendant.

Richard Norman's bill of cost, 18s. 4d.

†Autograph.



Capt. Tho. Clarke v. Mr. Jon. Ruck, assignee of John Mastone. Review. Verdict for plaintiff, the judgment reversed.\*

Richard (his mark) Norman, the elder, on 22 : 2 : 1653, made over his house and ten acre lot in Marvellheade upon Darbe Fort side to Richard Norman, his son, who was also to have three Cows' pasture in the farm and the other in the common. Wit : Meare (his mark) Millet. Sworn by Thomas Millet, sr., to be old Richard Norman's act and deed and his mark, 27 : 4 : 1664, before Wm. Hathorne.†

Bond, dated 3 : 1 : 1646, from Richard (his mark) Norman, the elder, of Marblehead, to Mr. Wm. Hathorne of Salem, to be paid in money or fish. Wit : Wm. Walton† and Francis Johnson.† Wm. Hathorne's† receipt.

William Beale† deposed that Allexeander Gelligin owned that he let Richard Norman one cow lease last summer upon the land that said Gelligin rents from Francis Colling, that is, forty-five acres on Marblehead side. Sworn in court.

Bill of sale dated 30 : 3 : 1664, Deauead Thommas of Bass river side to Richard Norman of Marbellhead, one-half a cow's pasture upon the town common. Wit : Marek (his mark) Pitman and Richard (his mark) Clattere.

Benjamin Pammiter, aged fifty-seven years, and Edward Reade, aged fifty-five years, deposed. Sworn in court.

\*Writ : Thomas Clark of Boston v. John Ruck, assignee of John Marston; for pretence of a bill due for freight; dated 24 : 8 : 1666; signed by Jonath. Negus,† for the court; and served by Rich. Wayte,† marshal of Suffolk, by attachment of one great gun and three pounds in boards upon the wharf of Capt. Thomas Clarke of Boston.

Tho. Clarke's bill of cost, 1li. 3s.

Bond, dated Apr. 7, 1658, John Marston,† to Capt. Thomas Clarke of Boston, for the amount due to him on account of the ship, Love's Increase, in behalf of Mr. John Rucke, to be allowed out of the freight of three tun of wine on board the ketch Return, which is consigned to said Clarke. The amount due was to be according to said Clarke's account of wages under Capt. Shaples' command from Barbados to New England and for one-quarter part of the ship Recovery's wages, etc. Wit : Marke Handes† and Geo. Homes.†

Bond, dated Barbados, Jan. 15, 1658, John Marston,† in behalf of Mr. John Rucke of Boston, to Marke Handes; for the use of Capt. Thomas Clarke & Co., for 1,225 pounds of good dry Muscovada sugar to be paid at Marke Handes' storehouse, when said Clarke should send Capt. Shaples account with the said Shaples oath before the Governor of New England that it was a true account of the ship Recovery. Wit : Geo. Homes† and John Porter.†

† Autograph.

Jon. Beckett v. Jon. Northy. Debt. Withdrawn.

Jon. Beckett v. Jon. Northy. For not delivering one tun of mackerel and four quintals of refuse fish. Withdrawn.

Jon. Godfery v. Mr. Edmund Greenleafe. Debt. Verdict for plaintiff. Mr. Hen. Bartholmew, attorney of Mr. Edmund Greenleefe, appealed to the next Court of Assistants. Mr. Hen. Bartholmew and Mr. Phillip Cromwell bound.\*

Jon. Goold v. Edw. Coldborne. For taking away a stray colt. Referred to the bench. Judgment for plaintiff.†

Summons, dated 24 : 8 : 1666, to John Ruck, signed by Joanath. Negus,‡ for the court.

Copy of Salem court record of 26 : 4 : 1666 in action of Ruck v. Clark, also copy of the execution and return, made by Hillyard Veren,‡ clericus.

Deposition of Augustine Lyndon, master of the ship Recovery, and now bound for Barbados, who took certain moneys, goods and victuals of Tho. Clark of Boston, merchant, without which he could not have set sail on the present voyage. He made over to said Clark one-fourth part of said ship and freight belonging to John Rucke of Boston. Another fourth part belonged to Mr. Edward Lassell of Barbados and an eighth part to Wm. Becks. This bill of exchange was dated Oct. 30, 1656, and witnessed by Massy Veale and Bartlemew Cado. Sworn in court, 30 : 9 : 1658, by Hillyard Veren,‡ cleric. Copy made by Hillyard Veren.‡

\*Writ, dated Oct. 16, 1666, signed by Anthony Somerby,‡ for the court, and served by Rich. Wayte,‡ marshal of Boston. Bond of Edmond Greenleafe‡ of Boston.

John Godfery's bill of costs, 2li. 1s. 8d.

Abraham Whitaker, aged about forty years, deposed that he was at Boston with John Godfrey in Oct., 1659, when the latter demanded of said Greenleafe a bill of 11li., which he finally agreed to pay with eight per cent. forbearance. Sworn, Nov. 17, 1666, before Daniel Denison.‡

Thomas Hale, sr., deposed that about twenty-five years since he bought of John Godfrey a heifer for which he paid eleven pounds at 4d. per shilling's advance in English goods as they cost in England, namely, kersey and stuff. These goods Godfrey sold to Leift. Edmund Greenleafe, etc. Sworn, Nov. 17, 1666, before Daniel Denison.‡

†Writ, dated Nov. 13, 1666, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, by attachment of two heifers.

John Gould on Dec. 9, 1665, took up a stray horse colt of about two years old, etc. Copy of record of strays, made Nov. 13, 1666, by Robert Lord,‡ recorder.

‡Autograph.

Mr. William Browne v. Ephraim Herrick. Debt. Withdrawn.

Tho. White, guardian to Martha Halfield, widow v. Robt. Cross, sr. Verdict for plaintiff. Appealed to the next Court of Assistants. Robert Cross and John Gould bound.\*

John Gould's bill of costs, 5li. 13s. 8d.

Edward Cobourne, aged about forty years, and his son, John Cobourne, deposed. Sworn in court.

Thomas Baker deposed that as he was riding to Ipswich he met John Coborn riding to Topsfield and told him of the stray horse at John Gould's. This horse had been cried at Topsfield and deponent, being constable there, gave notice to the constable of Ipswich to do the same. Sworn in court.

Richard Hutton, aged about forty years, deposed. Sworn in court.

John Curtis and John Umphrey deposed that a colt was in John Gould's English pasture, etc. Sworn. Nov. 23, 1666, before Daniel Denison.†

Zacheus Gould and James Hanscombe deposed. Sworn, Nov. 23, 1666, before Daniel Denison.†

John Robison deposed that he was at work in John Gould's yard with Gould, etc. That the day before Thanksgiving, he saw this colt with a withe about his neck and that Gould told his servants to withe him if they ever found him without one, etc. Sworn in court.

Tho. Lowthroppe deposed that while seeking for a mare of his which he found in the field of Goodman Smith at Topsfield, he saw the colt in controversy which had neither withe nor wreath about his neck.

Edward Bridges deposed concerning the marks. Sworn in court.

Zacheus Curtis deposed. Sworn in court.

Zacheus Curtis and John Robison deposed that Goodman Colborn said that Capt. Layterup sent him, etc. Sworn in court.

Joshua Ray, aged about twenty-nine years, deposed. Sworn in court.

\*Writ, dated Nov. 20, 1666, signed by Robert Lord,† for the court, and served by Thomas Verne,† deputy for Robert Lord,† marshal of Ipswich.

Bill of cost, 2li. 16s.

Lawrence Clenton testified, Nov. 27, 1666, that he received 21li. of his wife to give to his master Crose for his time, and the latter was very unwilling to take the money, but desired him to keep it and procure him a servant, for a servant was of more consequence than the money. Deponent was very urgent for his freedom and so his master went with him to Rachell Hefield to know whether he had obtained the money honestly. His wife told his master

†Autograph.

that he need not question it, as she gave it to him and it was her own to give. Then he delivered the money to his master and received 46s. 4d. in money of him, which deponent laid out for his own use. Sworn in court.

Summons, dated Nov. 21, 1666, to Robert Crose, sr., signed by Robert Lord,\* for the court.

Robert Lord, marshal of Ipswich, aged thirty-four years, deposed that being at the honored Major's house before both of the magistrates, Rachell said that her mother gave her the money before she was married. Sworn, Nov. 23, 1666, before Daniel Denison.\*

Thomas Fiske deposed that he heard Rachell Harfield acknowledge that the gold which she gave Clenton was not given to her by her mother but that it was in her custody as were the other goods of her mother and she thought that she could dispose of it according to her pleasure. Further that Clenton lent his dame twenty shillings. Sworn in court.

Willeam Durgi, aged about thirty-two years, deposed that as servant of Goodman Booshop, he was ordered by his master to go with Ratchell Haffelde's cow's calf and bringing it to the door, the old woman came forth and asked whether or not Rachell had bought that cow and deponent told her that she had paid four pieces of gold. Then the old woman said it was well, for she had given her all her money to dispose of as she saw occasion. At that time she was "not verie sencable." Sworn, Nov. 26, 1666, before Samuel Symonds.\*

Mr. William Norton, aged about forty years, and Mr. Robert Lord, deposed. Sworn, Nov. 26, 1666, before Daniel Denison.\*

Richard Huton deposed that he heard Rachell Harfield say to Robert Crose, sr., concerning Clenton "this is the man that you said was worth gold but it is not his fair Lookes that will maintain me." Sworn in court.

Richard Brabrook, aged fifty-four years, deposed that being a tenant of the farm called Haffeld's farm, he had occasion often to be with Rachell Haffeld, now wife of Lawranc Clenttonn, to whom he had to pay the rent, and the goods always passed in her name either to master or merchant. Further that about three years since her mother gave her thirty-one or two pieces of gold, because, said Rachell, her brothers-in-law had her portion in their hands and she doubted whether she should get it because she lived with her mother. Sworn, Nov. 26, 1666, before Samuel Symonds.\*

Willeam Nellsonn, aged about thirty-one years, deposed that having occasion to go to Goody Clentton's house for some corn due him, he found her very sad, weeping and crying, and said that her brother White went about to undue her in every way. She said that he would have her say that she stole the money or that her husband stole it, and he had tried to get away from her all that

\*Autograph.

William Curtice v. Cristo. Lattamore. Debt. Withdrawn.

Capt. George Corwin v. Nicholas Browne. Debt. Verdict for plaintiff.\*

Jon. Hucheson v. Robt. Cooke. Withdrawn.

Mr. John Hathorne v. Robt. Taylor. Withdrawn.

Jon. Bachelor was sworn constable for Wenham and John Peach, sr., for Marblehead.

John Goold acknowledged judgment to Mr. Edmund Batter, part to be paid in wheat and part in young neat cattle.

Capt. Thomas Marshall was licensed to keep an ordinary or house of public entertainment and to draw wine; also to draw strong waters only to strangers within doors.†

she had. This was the time when Tho. Whit took away the cow from Goodman Graves, etc. Sworn, Nov. 26, 1666, before Samuel Symonds.‡

Mr. Harlackinton Symonds, aged thirty-eight years, deposed that he was sitting by the fire with Rachell Clentton the night she was married, and weeping she said that her brother White, etc. Sworn, Nov. 26, 1666, before Samuel Symonds.‡

Robert Crosse, jr., aged twenty-four years, deposed that Goody Clenton was at his house very lately, etc. Sworn, Nov. 26, 1666, before Samuel Symonds.‡

Samuel Graves, aged about thirty-eight years, Ezekiel Rogers, aged about twenty-six years, and Jon. Whipple, jr., aged thirty-eight years, deposed. Sworn, Nov. 23, 1666, before Daniel Denison.‡

Thomas Fiske deposed. Sworn in court.

Shoreborne Willson, aged twenty-nine years, and Danell Butler, aged twenty-four years, deposed. Sworn, Nov. 23, 1666, before Daniel Denison.‡

Jeremiah Belcher, aged about fifty years, testified. Sworn, Nov. 23, 1666, before Daniel Denison.‡

\*Writ, dated 14 : 9 : 1666, signed by Hillyard Veren,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich, by attachment of four dozen shucks and sixteen bushels of Indian corn.

Bill of cost, 1li. 5s. 6d.

Mr. Jonathan Corwin made oath to the signature of Nicholas Brown on the account due to Capt. George Corwin, before Hillyard Veren,‡ cleric.

†Oliver Purchis,‡ Thomas Laughton,‡ Henry Collins,‡ William Craufts‡ and Thomas Newhall,‡ selectmen of Lyn, on 23 : 9 : 1666, gave liberty to Capt. Thomas Marshall, "to sett up a publique house of entertaynment for y<sup>e</sup> Comfortable accommodations of

‡Autograph.

Administration upon the estate of Arther Sandy, late deceased, was granted to Margerett, the widow, and Nicholas Merritt, who were ordered to bring in an inventory to the next Salem court.

Samuell Davice, making oath in court that he was attached to answer Thomas Browne, and the latter not prosecuting, was allowed costs.

Mr. Edmond Batter, administrator of the estate of John Humfries, Esq., having paid Edw. Richards 5li. for his pains about the estate, the court allowed it.

Inventory of the estate of John Farrington, late deceased, brought in by Eliza, the widow, administratrix, and amounting to 243li. 6s. 6d., was allowed. Ordered to be paid to the children, as follows: to Edward, the eldest, 60li., to John, 30li., to Jacob, 30li., at the age of twenty-one years. The remainder of the estate was to go to the widow and the whole estate was to remain in her hands for the bringing up of the children.

Silvester Evely of Gloster was freed from common training, paying one bushel of Indian corn yearly to the use of the company.\*

Silvester Evely was licensed to keep an ordinary or public house of entertainment and to draw wine.†

Jon. Lee acknowledged judgment to Mr. John Croad.

Mr. John Hathorne had his license renewed for a year and he was not to draw strong waters to be drunk within doors only for the relief of strangers not townsmen.

Jon. Lambert, administrator, brought in an inventory of the estate of Elias Wiate, late deceased, and it was allowed. There were 4li. 13s. 8d., clear estate, which the administrator was to send home or pay to the wife of the deceased or her order.

Travellers & their horses," etc., and requested the court to confirm it.

\*Philip Staynwood‡ and Thomas Millett‡ of Gloster, sergeants, informed the court, 23 : 9 : 1666, that the bearer, Silvester Evleth "being detrebed in his limes." desired to be freed from training.

†John Collings, sr.,‡ William Sargant,‡ Thomas Millett, jr.,‡ Jephery Persons,‡ and Thomas Riggs,‡ of Glocester, on 23 : 9 : 1666, requested the appointment of Selvester Eveleth, "wee beinge without any ordinary in our towne and that to the great trouble both of strangers and our seulf being forced to entertaine them . . . and our towne being a thorowfaire both for Seamen and others."

‡Autograph.

At a meeting of the trainband at Andever, choice was made of John Osgood as Leift., Thomas Chandler as Ensign, and Henry Ingolls, John Steevens and Thomas Farnum as Sergeants, and the court confirmed the two commissioned officers. They further ordered that the latter have liberty to choose a sergeant from the three elected as they see cause.\*

Theophilus Bayly was licensed to sell strong waters at retail to be drunk in the house by strangers only.

Mr. Samuell Sharp of Salem, dying intestate, about ten years ago and no inventory† of his estate having been brought in until this present court, and it appearing that there was but little estate and on account of the estate not being administered at the time, the wife of the deceased had lived upon the town, court ordered that 25li. be allowed to the children to be divided among them by the selectmen of Salem and the remainder to remain in the selectmen's hands for the widow.

Laurence Clinton bound to appear at the next Ipswich court. Upon his petition, court ordered that Thomas White lend and deliver to said Clinton a bed, bolster, bed clothes, posnet, bason, four spoons and a skillet, out of the household stuff of the widow Hafeild, now in his possession, to supply his present necessities, the same to be returned when the court required it.

\*Petition of the Andover trainband for court's confirmation of their choice of officers, dated 26 : 9 : 1666, and signed by George Abbooutt,‡ clerk.

†Inventory of the estate of Mr. Samuell Sharpe, taken June 18, 1664, by John Browne, sr.,‡ and Hillyard Veren:‡ Dwelling house & about 3 Acres of ground, 50li.; a sow & 2 piggs, 1li.; one feather bead, 1 pr. blanketts, 1 old Rugg, 3 pillowes & 1 bolster, 4li.; 2 very old flock beads & 2 bolsters, 2li.; an old beadsteed, with curtaines & valenc, 1li. 10s.; a side Cubboard, 15s.; an old table & 2 stooles, 10s.; one chest, 6 smale old chaires, 10s. 8d.; 2 old smale kettles, 2 skilletts, scumer & warming pan, 1li. 6s.; a pestle & mortar, 4s.; 2 haukes, 1 pr. of tongues, a spitt, 12s.; a smale Iron pott broaken & hoocks, 3s.; a chafin dish & smooth Iron, 2s. 6d.; old earthen potts & glasses & other lumber, 3s.; pewter, 17s. 6d.; a cullender & 5 old occumy spoones, 3s.; old bookes, 12s.; 6 old Cource napkins, 6s.; 3 table cloathes, 6 pillow beeres, 10s.; 5 old sheetes, 1li. 5s.; 1 boule, tray & a pr. of bellows, 2s.; 2 smale beere vessells, 2s.; 2 old tubbs & a paille, 2s. 8d.; a baskett, old chest & old barell, 5s.; total, 67li. 1s. 4d. Estate debtor to several men, 10li.

‡Autograph.

Roger Preston, late of Salem, having died intestate almost a year since and his debts amounting to more than his estate, no one appeared to administer upon it. Several parcels of the estate were subject to loss unless care be taken about them, and the court ordered that Henry Skerry, marshal, take the estate into his possession to sell what cannot conveniently be kept, he to receive recompense out of said estate. Mr. Batter and Mr. Bartholmew of Salem were requested to examine and audit accounts between said Preston and any of the creditors and return their report at the next Ipswich court, where every creditor who expected satisfaction was to appear in person or by attorney, to receive his proportion. This order was to be published at some public town meeting at Ipswich by Robert Lord, clerk of the court there, and also posted upon the meeting house at Salem by the marshal there.

Hugh Hancock, having been censured by the Worshipful Major Wm. Hathorne for swearing, was ordered to be whipped and sent to the house of correction for his unruly carriage, and to be returned to this court to answer to what should be objected against him. Said Hugh appeared and was convicted by testimony of railing and threatening speeches against the country and his master, threatening to kill him, and other gross abuses offered to his dame. Court ordered him to pay 10li. to the county treasurer and 12li. to his master Bigford for his time, and to be committed to the prison at Ipswich until he be conveyed out of the country to Barbados or some other English plantation to be sold for the payment of his fine, or otherwise if any one would undertake to discharge the amount and convey him out of the country, provided it be to some English plantation.\*

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\*Christian Bickford, aged about seventeen years, deposed that on Sept. 15 of the last year, being in bed in her own house in an inner room with the door locked, Hugh Hancock, her husband's servant broke open the door, etc. Deponent said she would go to some of her neighbors and he told her that if she set foot out of the bed he would stab her, etc. Sworn, 27 : 9 : 1666, before Wm. Hathorne, † assistant.

Wm. Hathorne's † judgment in this complaint.

Nicholas Cole, aged about thirty years, and Bartholmew Gale, aged twenty-five years, deposed that he heard Hancock use threatening speeches against his master, George Bigford, saying "I will have the hart blood of thee or thine," and that he was so unruly that the constable was fain to take him into his custody all night.

† Autograph.



Josiah Elwell and wife Mary, presented for fornication before marriage, were fined or to be whipped.\*

John Procter was licensed to keep a house of public entertainment and to sell strong waters only to strangers.†

Robert Wilson, complained of for rescuing a cow from the marshal, after execution was levied, was fined and the fine remitted upon his humble submission. He was ordered to return the cow or its value to the marshal.‡

Inventory§ of the estate of Obadiah Antrum, late deceased, was brought in, amounting to 171li. 9s., and allowed. Administration was granted to Martha, the widow, who was ordered to pay 30li. to John Phelps, son of Hen. Phelps, kinsman, and 30li. to Hana, wife of Isaack Burnap, sister of the deceased, payable six months after demand. The remainder of the estate was to be given to the widow.

He also said that he did not care a straw for the Governor and hoped he would see half of those in the country hanged within this half year. Also if he had two pistols in his hands he would kill these two rogues as they stand, putting one hand upon his master Bigford and the other upon Bartholmew Gale. Sworn, 19 : 9 : 1666, before Wm. Hathorne,|| assistant.

\*Gloucester presentment. Wit : Samuell Dalliber.

†John Proctor's request for a license to the selectmen of Salem: "I Liue At M<sup>r</sup> Downings farme w<sup>ch</sup> Is In y<sup>e</sup> Common Roadway, w<sup>ch</sup> occationeth seuerall travellours To Call In for some Refreshment as they pass Alonge & findinge It Like to bee Verry Chargable In Case I should Continue to Accomodate such Vpon free Cost, doe therefore Earnestly Request you y<sup>t</sup> you would bee pleased To graunt mee Liberty To sett up a house of Entertainment To sell Beare, Sider, Liquors," etc. Petition dated 29 : 9 : 1666, and signed by William Browne,|| Henry Bartholmew,|| Walter Price,|| Tho. Lowthrop|| and Edmund Batter.||

‡John Ropes, aged about eighteen years, deposed that he heard the execution read at Robt. Wilson's house, etc. Sworn in court.

§Inventory of the estate of Obadiah Antrum, taken Nov. 29, 1666, by John (his mark) Neale, John Pickering|| and Gilles (his mark) Corey: One half part of a farm now in the hands of Eliezer Giles, 80li.; a house begun & halfe Acre of land in the towne, 30li.; bricks, 5li., shingles, 2li., pine boards, & Claboards, 29s., 8li. 9s.; 2 oxen, 10li., 2 Cowes, 8li., 18li.; 1 mare and colt, 5li.; total, 141li. 9s. Debts somewhat uncertain, 16li. The estate oweth to Mr. William Browne, about 20li. There is about 34li. in the hands of Edmond Batter of the estate due to Obadiah not yet delivered, 191li. 9s.

||Autograph.

Hester Eastwick, widow, presenting an inventory of the estate of Capt. Benjamin Feiremayde, deceased, that is in this country, court granted administration to said Hester and ordered that she pay herself what was her due as appeared by the testimony of Frances Nurse. The remainder of the estate was to remain in her hands until court took further order.\*

The clerk was ordered to send summons to those persons who were presented for absenting themselves from the public ordinances and who did not appear, for appearance at the next Salem court.

Mr. William Browne, sr., Capt. George Corwin, Capt. Price, Mr. Edmond Batter, Mr. Bartholmew, Mr. Croade and Mr. Woodcock had their former licenses renewed to sell strong waters.

James Browne acknowledged judgment to Mr. Ed. Batter, part of which was to be paid in wheat.

Charles Hill, complained of for striking and wounding John Mascall, servant of Nicho. Maning, was sentenced to be whipped and to pay the boy 5s., the boy's master 5s., and to pay the doctor for his cure. Jon. Burges said that he saw said Mascall lying in the lane bleeding, and saw said Hill go from him following his cattle. Burges asked why he struck him and Hill replied that he would strike him again, "should he be afraid of a boy?" Mary Barnes said that she saw the two boys, heard them quarrelling and heard a noise as if it were a blow struck with the pail. Sworn in court, 29 : 9 : 1666, attest, Hillyard Veren, cleric.†

Court ordered that the rack lately secured by the Worshipful Major Wm. Hathorne and left by him in the hands of John Devorix, "all those goods or rack shalbe remained by the said Major Hathorne, & by him made use of for the erecting of a cage in Salem, & to be accountable of the remainder or what is don heerein to the Court."

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\*George Gardner† and Francis (his mark) Norss, at the request of widow Esteck, on 26 : 9 : 1666, appraised one acre of land in the field near the north ferry and half an acre of land lying between Mr. John Gidny and Goodman Peter at 14li. sterling. There were ten acres of land on Marblehead side, but the location was not known.

Franc. Nurce, aged about forty-five years, deposed that Ester Eswicke did entrust to Benjamin Fermane one cow valued at five pounds for which he promised to pay her 20s. per annum so long as he kept the principle in his hands, which is nineteen years. Sworn in court.

†Autograph.

Jeremiah Meachum, administrator of the estate of Thomas James, late deceased, brought in an inventory,\* and he was ordered to perfect it for the next Salem court.

Mr. Hen. Bartholmew, administrator of the estate of Eliz. Scudder, brought in an inventory† and it was allowed. After the debts were paid, the remainder was to be disposed of according to the will of the husband of said Eliza.

John Tompkins was granted administration upon the estate of Ralph Tompkins, deceased, and he presented an inventory.‡ Court ordered that the five acres of land mentioned in the inventory be given to said John, and after all debts were paid that the remainder of the estate be given to Mary, daughter of John Foster.

\*Inventory of the estate of Thomas James, taken Sept. 20, 1666, by Michael (his mark) Shafin and Nathaniel Felton:§ A dwelling house, with the outhouses and the land belonging, 70li.; 5 or 6 acres fresh marsh, 10li.; 10 acres in the North feild, 10li.; 1 1-4 Acre salt marsh, 10li.; one Cowe & a heifer, 8li.; one 3 yeare old stere, 4li. 10s.; a tenant saw, 5s.; 2 1-2 load of grasse, 12s. 6d.; Aples, 12s.; 1 old brasse kettle, 2s.; 2 old ladders, the body of an old cart and old bedstead & broken chayre, a forme & a peice of an old case, 8s.; 1 steire, 5li.; an old sled, 2s.; 4 old hoopcs, 4s. 6d.; a staple with an old yoake, 1s.; a bedstead, 4s. 6d.; a younge mare, 2li. 10s.; total, 122li. 9s. 6d. Debtor, Dec. 26, 1666, for charges about the farme in repayringe the house & fences and several things as appears by the bil of pticulars, 8li. 14s. 6d.; To Nathaniel Carrel, 7s. 6d.; To John Smyth upon the ballance of accounts, 1li. 9s. 11d.; total, 10li. 11s. 11d. Creditor, Giles Core, 1 bush. Indian, 3s.; Robert Goodale, 1 bush., 3s.; Sam. Belknap, 2s.; John Emery of Newbery, 2s. 8d.; Joseph Boyce, a hyde, 9s.; total, 19s. 8d.

†Inventory of the estate of Elizabeth Scudder, widow, taken by Henry Bartholmew§ and Hillyard Veren,§ administrators: One house with two acres of lande belonginge to it, pt. of it in orchard, 24li.; debts, Henry Josline, 7li.; Nathaniell Carrill, 2li.; Giles Corey, 7s. 6d.; total, 33li. 7s. 6d. Debts she oweth, 10li. 12s. 9d.

‡Inventory of the estate of Ralph Tompkins of Salem, taken 12 : 9 : 1666, by Thomas Gardner§ and John Kitchin:§ Five acres of land, 7li. 10s.; 1 cow with ye fodder to keep her this winter, 5li.; 1 swine, 2li.; 1 brass kettle & 1 fryeing pan, 1li. 2s.; 1 hake & 2 small washing Tubbs, 4s.; 1 payle & 4 Trayes, 5s.; a percell of Indian corne in ye eare, 1li. 10s.; 2 bush. of pease, 7s.; 4 bush. of barley, 18s.; 1 Iron pott & a paire of pott hooks, 10s.; a small percell of Lynnen yarne, 8s.; a warming pan & 2 brass skilletts,

§Antograph.

Will\* of Richd. Johnson, deceased, was proved upon oath of Mr. Tho. Loughton and James Axy, and an inventory of his estate was allowed.

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7s.; a pestell & mortar, 2s.; 4 pewter dishes & a latten candlestieck, 8s.; 1 latten Tunnill & 2 earthen dishes, 1s.; a smoothing Iron, 1s.; an old chest & some other old stuffe, 6s.; total, 20li. 19s. Debts owing, 5li.

Samuel (his mark) Aburne, aged fifty-two years, deposed that at the burial of the wife of Ralph Tompkins, late deceased, as soon as the company had departed, he went in to said Ralph, who was weak and not likely long to survive his wife, to put him in mind of making his will. He also wished to speak with him about the will which his wife made, which was to dispose of what was hers before her marriage. Deponent told Tomkins that his sister, Tomkin's wife, had bequeathed all her property to Mary Foster because she had been so helpful to her during her long sickness, doing for her what nobody else would do. Tompkins replied that he fully agreed to this but he would like to have the use of it during his life and he would rather increase than diminish it. Before making his will he would first talk with his son Foster, and deponent thought that it was his intention to give what he had to Mary Foster. Also that Tomkins was of this mind when he was removing to Bridgewater, and when, thinking never to see him again, deponent reminded him of Mary Foster.

An (her mark) Small, aged about fifty years, deposed that Goodwife Tomkins told her that she had willed all to Mary Foster and that the cow was brought up from a calf for said Mary.

Edward Grove,† aged about forty years, deposed.

Nathaniel Felton,† aged about fifty years, deposed that Tompkins desired to have the bed and other household stuff, but if he removed to Bridgewater to his son Samuel's, etc.

\*Will of Richard Johnson of Lynn, dated Aug. 22, 1666, and proved by Thomas Loughton and James Axy: "I bequeath to my sonn Danll. Johnson that Lott I bought off John Pearson usually called Churchmans Lott as alsoe that Lott Joyneing to it called Thornes Lott, alsoe twoe acres of Fresh meadow Lying in the great meadow in the Countrye as alsoe twoe acers of salt marsh in Rumnye Marsh which is pte of that Lott I bought of Richard Blood (viz) hee the sd daniell to take possession of it to him his heires, & assignes|| for ever || when he comes to bee at y<sup>e</sup> age of twentye one yeares or at his mariage if hee marrye beffore (this being to be vnderstood concerning thornes Lott abouesd that hee is not to have it vntill the deseace of his mother & then to possess it, & alsoe the other pte of that aboue written which I bought of Richard Blood as alsoe two steares, & two Cowes at his marryage

†Autograph.

Fined for frequent absence from the public ordinances: Joseph Buffum and his wife, 30s.; Samuell Gaskin, 20s.; wife of George Gardner, 10s.; wife of Josiah Sothwick, 10s.; wife of Mr. Thomas Gardner, 10s.; John Smith, 20s.; John Small, 20s.; John Burton, 20s.

The wife of Danyell Sothwick and Robert Stone were convicted. William Mastone, wife of Robert Wilson, wife of Anthony Needham, wife of Samuell Gaskin, wife of Robert Stone, wife of Joseph Pope, George Deane and his wife, wife of John Smith, not appearing, were to have attachments issued for their appearance at the next Salem court.

or when hee comes to be one, & twentye yeares ould if hee marrye not before : I bequeath to my son Sam<sup>l</sup> Johnson that Lott which was Formerlye william Crofts which I Bought o' m<sup>r</sup> Taylor, & alsoe two acres of Fresh meadow in Reedye meadow (viz) hee to haue possession there of to him his heires & assignes For ever after his Mother deseace

"I bequeath to my two daughters Abigall Collins, & Elizabeth Toleman Fiue pounds p peece, & to each of their|| now being|| children twentye shillings p peece to bee paid them after the deseace of my wife if shee Leaue estate to doe it I bequeath to my Loueing & Faithfull wife all the rest of my estate reall & psonail, & make her sole executrix And doe Appoynt & impoure m<sup>r</sup> Tho: Laughton, James Axey, & Andrew Mansfeild to be over seers of this my will," etc. Richard (his mark) Johnson. Wit : Thomas Laughton,\* James Axey\* and Andrew Mansfeild.\*

Inventory of the estate of Richard Johnson of Lyn, taken 18 : 7 : 1666, by Thomas Laughton,\* James Axey\* and Henry Collins:\* In corne, 5li. 14s.; in weareing clothes, shoos and stockings, 7li. 16s.; three paire of sheets, 1li. 15s.; one straw bed, 10s.; in linnen & woolen Cloath, 1li. 11s.; sackes, tow winnow sheets and three yeards of cloath, 2li.; one bed stead and the bedinge one it, 6li.; spinninge wheels, a tube, chest & a press, 17s.; old beding & a bedstead, 1li. 10s.; in yearne, 1li. 10s.; a tube & the mault in it, 8s.; in woole, 16s.; in cheese, 2li. 10s.; one peece of new woolen cloath and buttens, 1li. 17s.; tow pair of sheets and three shirts, 2li. 17s.; five Pillowbears and tenn Napkins, 1li. 10s.; one bolster tick & a table cloath, 16s.; one bedstead and the beding on it, 9li.; money, 4li.; A Cubberd & a cushing one it and a table & a forme, 1li. 18s.; one chest, boxes & chears, 14s. 6d.; a muskett, sword & rest, 1li. 10s.; one bible, tow paire of wool cards & a warminge pann, 14s.; a brush, a paire of sheers and a lookinge glasse, 7s.; In Pewter, 1li. 10s.; Tininge pannels, earthen and wooden ware, 19s. 6d.; Iron pots and cettles and a skillett, 2li. 4s. 6d.; table & a wooden

\*Autograph.

The servants of Mr. Gidney's house were allowed 6s., and Mr. Browne's maid allowed 18s.

Fined by the Worshipfull Major William Hathorn:—

Mathew Dove, for being disguised with drink two several times, Mr. Emery promised to pay for him.\*

On 8 : 8 : 1666, Mathew Dove, for being drunk the second or third time. Samll. Archard promised to pay it.†

morter and other wooden lumber, 1li. 3s.; eight Barrells & a fryinge Pann, 1li. 7s.; a pair of and Irons, a paire of tonges, spits, hangers, an Iron pestle & a Iron crow, 19s.; a Lume & a wheele, tow sives, a spade & a smoothinge Iron, 1li. 9s.; one heckle, tow sives, three Axes, tow forkes, a auger, a rake & a parcell of flax, 1li. 3s.; carts, wheeles, yoakes, chaines and a plough, 3li. 5s.; hay, 8li.; a sider press, 8li.; six oxen, 30li.; Five cowes, 20li.; one younge beast & three calves, 6li.; one mare, 5li.; one young mare & colt, 7li.; sheepe, 6li.; swine, 6li. 2s.; paire of boots, 5s.; housinge, orcheyards, upland & meadow, 175li.; debts due, 25li. 10s.; debts owinge, 22li.; total, 346li. 17s. 6d. Sworn to in court by the widow.

\*Salem presentment. Wit: Henry Herrick, sr., Josiah Rootes, sr., and John Lovett, jr. John Loveit deposed that he saw said Dove go along the country way reeling and staggering like a drunken man. Sworn in court.

†Salem presentment. Wit: Bartholmew Gedney, Joseph Miles and Jonathan Pickeringe.

Execution, dated 24 : 10 : 1666, against Nicholas Browne, to satisfy judgment granted Capt. George Corwin, signed by Hillyard Veren, † cleric, and returned by Henery Skerry, † marshal of Salem, by attachment of nine or ten dozen wooden shovels appraised at 12s. 6d. per dozen, and one dozen speade trees appraised at 6s. per dozen, and four or five great shovels.

Execution, dated 3 : 10 : 1666, against John Atkinson, to satisfy judgment granted John Godfery, signed by Hillyard Veren, † cleric, and returned by Henry Skerry, † marshal of Salem, by attachment of six hats appraised at 2li. 6s. 6d.

Execution dated Feb. 14, 1666, against John Tode, to satisfy judgment granted John Godfery signed by Hillyard Veren, † cleric, and returned by Henery Skerry, † marshal of Salem, by attachment of a parcel of cotton rugs appraised at 2s. 4d. per pound.

Execution, dated June 26, 1666, against Edward Bridges, to satisfy judgment granted John Gould, signed by Hillyard Veren, † cleric, and returned by Henery Skerry, † marshal of Salem.

Execution, dated Apr. 23, 1666, against Benjamin Gillman, sr., to satisfy judgment granted John Hathorne, signed by Hillyard Veren, † cleric, and returned by Samuell Archard, † marshal of Salem, by attachment of a new lighter belonging to said Gillman,

†Autograph

Timothy Cooper, for stealing, he having satisfied the party.

On 14 : 9 : 1666, Ed. Jerson, Henry Silsby and Robert Driver, for being distempered with strong liquors.

On 19 : 9 : 1666, Peeter Greenfeild, for being distempered with wine.

William Smith, for drunkenness a second time.

John Lambert, for being drunk.

of which he said Capt. Will. Hudson had bought one-half, being the hull not rigged, and also another lighter that one Rob. Taylor, a Scotchman, goes in. On June 19, 1666, Richard Haven of Lyn was appointed deputy for Samuell Archard,\* marshal, and on Aug. 2, Richard Haven,\* appraised the lighter that Taylor used at 67li. 9s.

Execution, dated 17 : 10 : 1666, against James Browne, glasier, to satisfy judgment granted Mr. Edmund Batter, signed by Hillyard Veren,\* cleric, and returned by Henry Skery,\* marshal, by attachment of the house and ground of said Browne in the possession of Zebulon Hill and Manasa Maston.

Execution, dated July 23, 1666, against Capt. Thomas Clarke, to satisfy judgment granted Mr. John Ruck, signed by Hillyard Veren,\* cleric, and returned by Henry Skerry,\* marshal of Salem, by attachment of a gun of iron appraised at eight pounds and a heap of pine boards on his wharf, but before they were delivered the constable of Boston attached the whole upon an action of review and took them off his hands. The appraisal of the gun was made by Thomas Brattle,\* Wymond Bradbury\* and Tho. Swan.\*

Execution, dated 3 : 5 : 1666, against Mordecai Craford on a house in Salem neck mortgaged to Capt. Thomas Savage, to satisfy judgment granted said Savage, signed by Hillyard Veren,\* cleric, and returned by Henry Skerry,\* marshal of Salem.

Execution, dated 29 : 4 : 1666, against Edward Harrendin, to satisfy judgment granted James Steevens, signed by Hillyard Veren,\* clericus, and returned by Anthony Day,\* deputy for Henry Skerry, sr.,\* marshal of Salem, by attachment of a cow.

Execution, dated 14 : 12 : 1666, against John Godfery, to satisfy judgment granted Mr. Bartholmew Gidney, signed by Hillyard Veren,\* clericus, and returned by Henry Skerry,\* marshal of Salem, by attachment of one cotton rug appraised at 2s. 4d. per pound, and 11 1-2 yards of cotton cloth at 10s. 2d. per yard.

Execution, dated Feb. 14, 1666, against John Tod, to satisfy judgment granted John Godfery, assignee of William Pritchett, signed by Hillyard Veren,\* cleric, and returned by Henry Skerry,\* marshal of Salem.

Births in Rowley, 1666:—

Ann, daughter of Thomas Hardie, jr., Apr. 26.

Samuel, son of Richard Holmes, May 4.

\* Autograph.

Thomas Mead and Bartholmew Foster, for breach of the peace.  
 Robert Wilkes' receipt to Mr. Edmond Batter, dated 18 : 10 : 1666, for 36li., in full of what was due him from his father's estate.  
 Wit : Hillyard Veren, jr., and Hillyard Veren, sr. Entered in the court records by Hillyard Veren, cleric.

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Sarah, daughter of John Pearson, May 6.  
 Mary, daughter of Thomas Remmington, July 14.  
 Thomas, son of Ezekiel Jewit, Sept. 20.  
 John, son of Benjamin Gage, Sept. 27.  
 Ezekiel, son of Ezekiel Northend, Oct. 8.  
 Sarah, daughter of Samuel Brocklbanke, Oct. 29.  
 Thomas, son of James Dickinson, Nov. 21.  
 Samuel, son of Thomas Wood, Dec. 26.  
 Joseph, son of William Houchings, Jan. 20.  
 John, son of John Trumble, Feb. 3.  
 Nathaniel, son of Anthony Crosbee, Feb. 5.

Marriages in Rowley, 1666:—

Mr. Samuel Shepard and Mrs. Dorothy Flint, Apr. 30.  
 James Barker, sr., and Mary Wiate, May 22.  
 William Law and Faith Smith, May 2.  
 Jonathan Hopkinson and Hester Clark, May 11.  
 Abel Langley and Mary Dickinson, Dec. 21.  
 Berzilla Barker and Anna Jewit, 5 : 10.  
 Mr. Philip Nelson and Elizabeth Lowell, 1 : 11.

Burials in Rowley, 1666:—

John Brocklebank, Apr. 5.  
 John, son of John Johnson, Apr. 12.  
 Sarah, wife of Abel Langley, May 16.  
 Sarah, daughter of John Pearson, sr., 16 : 11.  
 Sarah, daughter of Samuel Brocklbank, Mar. 1.

Marriages in Wenham, 1666:—

John Fairefield and Sarah Geare, 26 : 1.  
 John Batchelder and Sarah Goodale, 4 : 3.  
 Lot Killim and Hanah Goodale, 21 : 3.  
 Philip Wels[h] and Hanah Hagget, —.

Births in Wenham, 1666:—

James, son of James Moulton, 8 : 1.  
 Tho., son of John Powlan, 22 : 1.  
 James, son of James Bette, 5 : 2.  
 Mary, daughter of James Freind, 6 : 3.  
 Elizabeth, daughter of Walter Fairefield, Aug. 9.  
 Naomi, daughter of Edward Waldern, 3 : 4.  
 Samuell, son of Antipas Newman, 9 : 6.  
 Sarah, daughter of Tho. Patch, Dec. 8.  
 Ruth, daughter of Daniell Killim, Oct. 9.  
 John, son of John Abey, Dec. 15.



Letter of attorney, dated Sept. 6, 1652, from Clement Bately of Norwich, England, worsted weaver, to Tho. Oliver of Norwich, calender, to receive of John Frary, now or late of Roxbury, shoemaker, 5li. of English money. Wit : Tho. Allen, and John Burrage, public notary. Recorded, 3 : 12 : 1658, by Hillyard Veren, recorder.

John, son of John Batchelder, 13 : 11.  
 Marah, daughter of Daniell Gott, 21 : 11.  
 Bethia, daughter of John Soolard, 28 : 12.  
 Death in Wenham, 1666:—  
 Tho., son of Jno. Powland, 22 : 12.

per Tho. Fiske,\* cleric.

Marriages in Newbury, 1666:—  
 John Belconger and Mary Kelly, Apr. 12.  
 Curmac [alias] Charles Annis and Sara Chase, May 15.  
 Benjamin Lowle and Ruth Woodman, Oct. 17.  
 William Chandler and Mary Lord, Feb. 26.

Births in Newbury, 1666:—  
 Joseph, son of Joseph Downer, Apr. 25.  
 Ann, daughter of Daniell Peirce, May 22.  
 John, son of Peter Cheny, May 10.  
 John, son of Amos Stickny, June 23.  
 Anne, daughter of William Titcomb, July 7.  
 Richard, son of John Knight, July 26.  
 Sara, daughter of John Kent, sr., Aug. 1.  
 Thomas, son of Abell Huse, Aug. 9.  
 Caleb, son of Caleb Moody, Sept. 11.  
 Sara, daughter of Daniell Cheny, Sept. 11.  
 Henry, son of John Hale, Oct. 20.  
 Mary, daughter of John Belconger, Dec. 21.  
 Sara, daughter of John Badger, Jan. 25.  
 Elizabeth, daughter of John Woollcot, Jan. 24.  
 Naomi, daughter of Henry Tewksbury, Jan. —.  
 Daniel, son of Henry Jaques, Feb. 20.  
 Sara, daughter Georg Jeffry, Feb. 26.  
 Samuell, son of Daniel Lunt, Mar. 1.

Deaths in Newbury, 1666:—  
 Thomas Smith, Apr. 26.  
 Rebecca Swett, May 31.  
 John Cheny, sr., July 28.  
 Mary, wife of William Chandler, Oct. 29.  
 John Ridg, Dec. 30.  
 —, daughter of John Cheny, Dec. 4.  
 John Warrant, Oct. 28.

per Anthony Somerby,\* cleric.

\* Autograph.

## Births in Topsfield, 1666:—

Pheabe, daughter of Joseph and Pheabe Towne, May 4.  
 John, son of Isack and Mary Cumings, June 7.  
 Damaris, daughter of Thomas and Judeth Dorman, Aug. 3.  
 John, son of John and Hana Pebody, Aug. 28.  
 Benjamen, son of Edmond and Mary Towne, May 26.  
 Edmond, son of Jacob and Cathorne Towne, July 21.  
 Tho., son of Daniell and Hana Boorman, July 15.  
 Jobe, son of William and Hana Averell, Jan. 1.  
 Thomas, son of John and Sarah Gould, Feb. 14.

## Marriage in Topsfield, 1666:—

John Perkens and Deborah Browning, Nov. 28.

per John Redington,\* cleric.

Warrant, without date, for Goody Kichin, Goody Buffum, Joseph Boyse, Josias Suddrick, Daniell Suddrick and wife, Jon. Blevin, Samuell Gaskin's wife, Michael Shaffin, wife of Rob. Ston, wife of Jo. Smith, Tho. Robbins, Tho. Tuck, Bart. Gidney, Jonath. Pickring and Hen. West, returned by Hen. Reniolds,\* constable.

Edith Cravitt's\* acknowledgment of her sin in abusing the Worshipful members of the court and for her unruly speeches, and her petition to the court for leniency.

"Topsfield, here is the names of those that are in a Rate to defray the Townes detes which have not payed which arise before the 10th of February : 1664 :—" Daniel Clarke, 8s.; Thomas Dorman, sr., 1li. 1s.; Thomas Dorman, jr., 6s. 7d.; William Averill, 6s. 10d.; Isack Cumines, sr., 4s. 7d.; Isack Cumines, jr., 13s. 4d.; Anthony Carill, 4s.; Thomas Averill, 11s. 5d.; Thomas Hobes, 7s. 8d.; Thomas Brownig, 8s. 8d.; William Smith, 4s. 7d.; John French, 4s. 2d.; Edmond Bridges, 5s. 1d.; Daniell Blacke, 3s. 4d.; Jakob Townes, 8s. 2d. Isacke Estey, 6s. 6d.; William Townes, 1s. 4d.; Joseph Townes, 9s. 6d.; Edmond Townes, 9s. 7d.; James Watters, 2s. 11d.; William Nichols, 10s. 11d.; John Nicholes, 4s. 3d.; Lucke Weaklin, 4s. 1d.; Mr. William Perkins, 14s. 7d.; Mr. Gote, Richard Kimball and Thomas Fiske, 10s. 6d.; Barzila Barker, 2s. 2d.; Robard Androus, 4s. 4d.; Even Mories, 1s. 9d.; John Daucece, 1s. 9d.; William Haeden, 1s. 9d.; William Prichate, 1s. 9d.; Farmer Pourter, 7s.; Thomas Putnam, 1s. 3d.; Nathainell Putnam, 1s. 9d.; John Putnam, 8d.; Jusua Raie, 11d.; Goodman Herick, 11d.; Roger Haskell, 8d.; Ould Blacke, 4d.; William Dogge, sr., 1s.; John Dogge, 1s.; Richard Kimball, 9d.; John Rament, 8d.; William Rament, 4d.; Samuell Corning, 1s. 2d.; Goodman Grover, sr., 2d.; Edmond Bushop, 1s. 2d.; John Grover, 2d.; Joseph Roots, 6d.; Jacob Barnie, sr., 10d.; Jacob Barnie, jr., 10d.; John Pouland, 4d.; Mr. Endicoate, Governor, 10s.; Samuell Cuttler, 13s. Signed by John Gould,\* in the name of the selectmen.

\* Autograph.

## COURT HELD AT IPSWICH, MAR. 26, 1667.

Judges : Mr. Symon Bradstreet, Mr. Samuell Symonds, Major Genll. Denison and Major Wm. Hathorne.

Grand jury : Ens. Tho. Howlett, Robert Day, Ed. Chapman, Fr. Wainwright, Ed. Bragg, Wm. Cogswell, John Knight, Sam. Plumer, Wm. Tittcombe, Robert Hazeltine, James Barker, Wm. Tenny, Tho. Perkins and Rich. Barker.

Jury of trials : Thomas Bishop, Jer. Belcher, Robert Pearse, James Chute, Anth. Potter, Tho. Clarke, Wm. Chandlour, Tho. Hale, Ed. Huttcheson, James Bayly, Abr. Jewett and Tho. Baker.

Civil cases:—

Abraham Perkins v. Christopher Milton. Debt of 3li. paid to Wm. Sterling for him. Verdict for plaintiff.\*

Bill of presentments, dated 27 : 4 : 1666, and signed by Henry Bartholmew, † in the name of the rest:—

Nicholas Jackson of Salem, for breach of the peace in striking and abusing Hugh Paskee. Wit: Bartholmew Gedney, John Norman and Jonathan Pickeringe.

John West, for a common highway being very defective within the farm he lives on or near the house in which he lives. Wit: John Dodge, sr. Will. Allen, Robt. Leach and John Norman were appointed to view it and report.

Marblehead presentment. Owin Ellett, for swearing. Wit: William Charles and Richard Hawley.

Marblehead presentment. Jos. Codner, for swearing. Wit: Sam. Ward.

Marblehead presentment. Francis Hoop, for defect in packing a barrel of mackerel. Wit : William Carter.

Warrant for the Marblehead and Salem presentments. dated June 28, 1666, signed by Hillyard Veren, † cleric, and returned by Samuell Ward, † constable of Marblehead. No return made of the Salem warrant.

\*Writ, dated Dec. 20, 1666, signed by Robert Lord, † for the court, and served by Robert Lord, † marshal of Ipswich.

Willyam Starlin, aged about thirty years, deposed that Milton desired Perkins to help deponent with some corn and other things which he had of said Perkins and when they reckoned Milton was present and promised to pay Goodman Bishope of Ipswich, which was the latter end of 1665. Thomas Grant deposed the same. Sworn, 25 : 1 : 1667, before Simon Bradstreet. † Paper addressed: "For Willia. Starling att Haverhill: these dd with Care."

Anthony Austine deposed that he was at Abraham Perkins' house, etc. Sworn in court.

Abraham Purekinsis bill of costs, 1li. 10s. 8d.

†Autograph.

Mary Robinson v. Christopher Milton. Debt. For clothes he had of her. Verdict for plaintiff.

Thomas Thulay v. Wm. Ilsly, selectman of Nubury, in behalf of the town. For non-payment of 14li. for killing seven wolves, due by town order. Verdict for plaintiff.\*

Mr. Edmond Batter v. Charles Hasselton. Debt. Verdict for plaintiff.†

Christopher Milton v. Abraham Perkins. For disposing of his goods left in his hands and not giving a true account. Verdict for defendant.‡

\*Writ, dated Mar. 19, 1666, signed by Anthony Somerby,§ for the court, and served by John Wallcot,§ deputy for Caleb Moody,§ constable of Newbury.

John Walcott deposed that there was no question that they were all wolves, both old and young. Sworn in court.

Thomas Thulay deposed that he killed the wolves in Newbery dry common.

Thomas Thulay's bill of costs, 1li. 9s. 10d.

Copy of record of a town meeting held Mar. 6, 1664, in regard to the bounty for killing wolves, signed by Anthony Somerby.§

†Writ, dated Mar. 15, 1666-7, signed by Hillyard Veren,§ for the court, and served by Henry Skerry,§ marshal of Salem, by attachment of all defendant's tillage land, "whether Mr Saltingstones or any else."

John Coburn deposed that he heard Charles Hezelton acknowledge about two years ago that he bought a horse of Mr. Newman, for which he was to pay 15li., etc. Sworn in court.

Ed. Batter's bill of costs, 1li. 15s. 6d.

Edmund Batter's bill against Charles Heslington of Wenham, for 24li. 2s. 1d., made by Hilliard Veren,§ from his uncle, Edmund Batter's books, and attested by Edm. Batter,§ who, with said Veren, made oath, 22 : 1 : 1666, before Wm. Hathorne.§

‡Writ, dated Mar. 19, 1666, signed by Robert Lord,§ for the court, and served by Robert Lord,§ marshal of Ipswich.

Thomas Grant, aged thirty years, deposed that about a year before Christifer Milton brought to Abraham Perkins's house a parcel of cotton wool and sugar, and desired him to sell it for him. Sworn, 25 : 1 : 1667, before Simon Bradstreete.§

Anthony Austine deposed that he wrote out the account for said Perkins and Milton received it and did not make any objection. Sworn in court.

William Starlin, aged thirty years, deposed that 11s. were paid to Mr. Thomas Bishop upon Abraham Pirkins' account and that

§Autograph.

Christopher Milton v. Abraham Perkins. Unjust molestation. Verdict for defendant.\*

Renold Foster, jr. v. Wm. Whittred. Slander. Withdrawn.

Daniell Wicham, guardian for Sam. Smith v. Jer. Elsworth. Withdrawn.

Mr. Anthony Crosbie v. John Tod. Breach of a bond. Special verdict. Court found for defendant.†

Roggurs Birgis disowned thirty-three shillings, etc. Sworn, 25 : 1 : 1667, before Simon Bradstreete.‡

John Frincke deposed that Samuell Currear said that Abraham Purkenes had attached the staves he provided for Cristopher Milton, etc. Sworn in court.

John Aslett deposed that he received 7li. of cotton wool from Abr. Perkins' wife, etc. Sworn, 22 : 1 : 1666, before Simon Bradstreet.‡

\*Writ, dated Mar. 18, 1666, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

Abraham Purckinsis bill of costs, 4s.

†Writ, dated 20 : 1 : 1666-7, signed by Tho. Leaver,‡ for the court, and served by Thomas Tenny,‡ constable of Rowley.

Copy of articles of agreement, of Feb. 10, 1662, made June 22, 1666, by Robert Lord,‡ cleric.

Copy of award of arbitration between Mr. Anthony Crosbie and John Tod, both of Rowley, returned by Edward Woodman, John Pike and Daniell Ela: that there was due to John Tod, 154li. 18s. 6 1-2d., and in payment Mr. Anthony Crosbie was to give him a firm deed of the land at Merrimack, within ten days, also the 19li. 18s. 6d. due was to be paid in merchandise; they confirmed the articles of exchange concerning the twenty-nine acres near Rowley town, dated 10 : 12 : 1662, and Crosbie was to give a deed, etc. Sworn in court at Ipswich, Sept. 25, 1666, before Robert Lord,‡ cleric.

John Todd's bill of cost, 2li. 5s.

Anthony Crosbie's‡ plea, and John Tod's‡ answer.

Verdict returned by the jury. Mr. Crossby's wife mentioned.

Nicolas Brown deposed that Tod and Crosby were at his house, etc. Sworn in court.

John Pickard testified that he heard Tod offer to settle with Mr. Crosby and asked deponent to speak to Mr. Wade to that end. Sworn in court.

Robert Lord, sr., deposed. Sworn in court.

Ezekiell Northend and John Pickard deposed. Sworn in court.

John Acie deposed. Sworn in court.

‡Autograph.

Mr. Anthony Crosbie v. John Tod. For not giving assurance. Withdrawn.

John Poor, attorney to Daniell Poore v. Jo. Godfry. Withdrawn.

John Wooddam, assignee of Rich. Dole v. John Godfrey. Debt of forty bushels of wheat. Verdict for plaintiff.

John Wooddam v. Peeter Ayre. Debt. Verdict for plaintiff.\*

Edward Harraden v. James Steevens. Review. Verdict for plaintiff.†

Anthony Crosby and John Tod, June 22, 1666, appointed John Pike of Newbury and Daniell Ela of Haverill, arbitrators. Wit: John Pickard and Anthony Austin. Copy made by Robert Lord,‡ cleric.

Philip Nellson, aged about thirty-one years, deposed that Tod, standing in the street about ten rods from the dwelling house, tendered the deeds to Mrs. Crosbe, handing them over the rails, but she refused to receive them. Sworn in court.

John Pickard and Philip Nellson of Rowley deposed that Mr. Crosbey was not at home, but his wife was in the orchard, etc. Sworn in court.

\*Writ, dated Mar. 16, 1666, signed by Robert Lord,‡ for the court, and served by John Griffing,‡ deputy marshal for Robert Lord,‡ marshal of Ipswich, by attachment of three acres of meadow, formerly John Woddomes.

Peter Ayer‡ of Haverell, husbandman, Dec. 29, 1665, acknowledged a debt of 9li. to John Wooddam of Ipswich, bricklayer, to be paid at the latter's house in Ipswich or the house of Edward Hazen of Rowley. Wit: Willm. White‡ and Katherine (her mark) White.

Peter Ayer‡ of Haverhill, on Mar. 19, 1666-7, appointed John Griffing of Rowley his attorney. Wit: John Carleton‡ and Martha (her mark) Dow.

‡Writ, dated Mar. 16, 1666, signed by Robert Lord,‡ for the court, and served by Anthony Day,‡ deputy marshal for Robert Lord,‡ marshal of Ipswich, by attachment of meadow.

Edward Haridines bill of costs, 4li. 6s. 10d.

William Evens, aged about forty-six years, deposed that he had mowed the land in controversy as the right of Will. Huff, who was the first owner, and the bound marks were a tree upon a knoll of rocks to a stake near the great creek. Sworn in court.

William Linkhorne, aged about twenty-three years, deposed that he and Richard Beaford were mowing and deponent asked if he

‡ Autograph.

knew the bounds of his master Harridin's marsh, etc. Sworn in court.

Copies of depositions of Richard Beeford, John Pearce, William Hascall, jr., Clement Coldum, George Blacke and Isaack Steevens, taken from Salem court records, 27 : 4 : 1666, by Hillyard Veren,\* cleric.

Thomas Joanes, aged sixty-eight years, deposed that he mowed for John Goyte upon the other side of the main creek to the head of the Long cove, etc. Sworn in court.

George Blake, aged about fifty-five years, deposed that his meadow was measured before Solomon Martin's, etc. Sworn, Sept. 25, 1666, before Samuel Symonds.\*

Thomas Joanes, aged sixty-eight years, deposed that when the lot layers o<sup>c</sup> Gloster first laid out the marsh of the Long cove in Squam, he was with them, etc. Sworn in court.

Thomas Kemball deposed that this land was in possession of Robert Dutch fifteen or sixteen years ago, etc. Sworn in court.

Copy of grant to William Hough taken from the town book by Thomas Riggs.\*

Clement Coldum of Gloucester deposed that he was chosen by Edward Harinden and William Seargent by James Stevens to settle, etc. Sworn in court.

Robert Dutch, aged about forty-five years, deposed that he lived on the land in controversy from 1651 to 1657, etc. Sworn in court.

Willm. Lincorne deposed that when he was mowing about five years ago for his master Harrendine, he went to dinner where John Pearce and Clement Coldum were, etc. His master had mowed this lot every year since Harrendine came to live at Gloucester. Sworn in Ipswich court, 26 : 7 : 1665, and copy made by Hillyard Veren,\* cleric.

Richard — deposed. Sworn in court at Ipswich. Copy made by Hillyard Veren,\* cleric.

William Lincolne deposed that Edward Harrenden went to live at Gloster about April, 1657. Further that when they brought in the hay this year, James Steevens came with a constable's deputy and took the hay off Harrenden's canoes as they lay in his dock upon his own land near his house. Sworn, June 25, 1666, before Samuel Symonds, and copy made by Hillyard Veren,† cleric.

Clement Coledam, aged forty years, deposed that the town gave John Goyte the marsh in exchange for a four acre lot of marsh. Sworn in court.

Copies of Salem court record, 26 : 4 : 1666, and writ, and deposition of Clement Coledum, taken from Ipswich court records of Sept. 26, 1665, made by Hillyard Veren,\* cleric.

William Linckhorne testified that John Goyte told him that he sold the land to Robert Dutch, etc. Sworn in court.

\* Autograph.

Mr. Phillip Nellson v. John Woolcott. Non-payment of 200li. Verdict for plaintiff. Appealed to the next Court of Assistants. John Woolcott, John Dressor and Thomas Lovell bound.\*

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Copies of writ, and depositions of Clement Coldum, Richard Beeford, John Pearce and George Blake, made by Hillyard Veren, † cleric.

\*Philip Nellson's † receipt, dated Nov. 16, 1665, to John Willcot of Newbury, for 8li. 15s. in part payment for the Merrimack land. Wit: Ezekiel Northend. †

Philip Nelson's † receipt, dated Nov. 7, 1663, to John Willcot of Newbury, for a pair of oxen and a pair of steers, in part payment for the Merrimack land. Wit: Edmund Mors. †

William Boulton deposed that he lived a little while near Robert Savery and the latter was damaged no less than ten or twelve shillings by the benefit that he might have made of his cows if the house had been finished according to the time of agreement. Sworn in court.

— — — deposed that he had several times seen the corn and hay covered with a great depth of snow, etc. Sworn in court.

William Boulton and Robert Savery deposed that John Wilcott of Newbury, carpenter, in consideration of 300 acres of land in Rowley bought of Philip Nellson of Rowley, promised to pay 200li. Half of this amount was to be paid in building a house and barn upon the land of said Nellson at Merrimacke, the house to be thirty-four feet long, sixteen feet wide and nine feet stud, the roof covered with well seasoned pine boards, to be double-boarded, well and substantially nailed, the sides and ends of the house to be clap-boarded with good and substantial clapboards, well nailed, make six windows, the four lower windows to be two feet long, with three lights each, the doors to be made of good pine boards, with hooks and hinges, and he to hang the same, to make and lay four floors, two lower and two chamber, close-laid and covered with good and well-seasoned pine boards, well-nailed, to make a good double chimney, daub the same, making a good back to said chimney, to daub the ends of the house and the sides up to the wall plates with clay, make an oven, flight of stairs to the chambers, all to be finished before the last of May, 1663. He was also to build a barn fifty by twenty feet, near said dwelling house, thirteen feet stud, the roof covered with well-seasoned pine boards, with a good floor, etc., for all of which said Wilcott was to have 100li. allowed him, the other hundred to be paid in corn, delivered aboard some boat in Merrimacke river near Nellson's land, and neat cattle, not over seven years old, or oxen not over nine. Sworn in court.

† Autograph.



Zorobabell Endicott v. Daniell Hovey and Edmond Bridges, in behalf of the town of Topsfield. Withdrawn. Edmond Bridges allowed costs.

John Tod v. John Godfry. Review. Withdrawn.

Mr. Antipas Newman v. Charles Hazelton. Non-payment of 6li. Verdict for plaintiff.\*

John Woolcott's answer to the foregoing testimony: that after the lease was made, Saverie and Boulton went to Mr. Nelson to get him to make the bargain less hard, and he agreed to allow them 20li., and deponent did not counsel them to do anything, for it was nothing to him whether they were abated or not.

John Wattson, aged twenty years, deposed that John Willcot came to him when he was working for Goodman Northend of Rowley beyond Rowley mill and offered him five pounds to help him get a writing that was in the hands of his master Nelson. He told deponent that he might get it on some Sabbath day or some lecture day when nobody was at home and he could tell it by one of the corners being torn off and a great hole in the middle of it. His master had put it in a little box, with a key in it, which was in the chest that stood at the cellar door. Also said Willcot coming to deponent's master's house to tell him that he had the barn ready for raising, called him out of the house and asked him if he had yet secured the writing, to which deponent replied that he had not gotten it, neither did he intend to if he gave him seven pounds. Sworn in court.

Daniell Ela deposed that when the house and barn were finished there were no stairs in the house and but two windows glazed, and the floors laid so loose that a man could put his hand in. Further the barn was not half clapboarded, split boards were used, which did not come together at the edges, the timbers generally being half a foot from one another, etc. John Tenny attested to the same. Sworn in court.

Thomas Kimball deposed. Sworn in court.

John Knight deposed that he was on his way to Haveral and stopped at Mr. Nelson's farm where John Burbank lives and the latter asked him to stop and see how wet his hay and corn were, for the rain came in at many places in the roof, etc. Sworn in court.

\*Writ, dated 13 : 1 : 1667, signed by Tho. Fiske,† for the court, and served by William Rayner,† deputy constable for Theophilus Wilson,† constable of Ipswich, by attachment of the dwelling house, barn and six acres of land of defendant's.

William Rayner deposed that about a week before Charles Hazelton went away, he acknowledged the debt, etc. Sworn in court.

† Autograph.

Robert Coburn deposed that he heard Hezelton say that he owed Mr. Newman for a horse, etc. Sworn in court.

Mr. Wm. Perkins v. Mr. Thomas Gillbert. Defamation. Two cases. Withdrawn.

Mr. Robert Paine, executor to John Ward v. Mr. Wm. Phillips. Debt. Verdict for plaintiff. Appealed to the next Court of Assistants. Wm. Phillips, Andrew Peeters and Thomas Haukings bound.\*

\*Writ, dated Nov. 26, 1666, signed by Samuel Green,† and served by Rich. Wayte,† marshal of Boston. Bond of Will. Phillipps,† James Oliver† and Edmund Downe.†

Symon Lynde, aged about forty-three years, deposed that on Nov. 10, 1658, upon account of Mr. William Phillipps, he paid Mr. John Paine of Ipswich 30li., and obtained a receipt. Sworn, Mar. 23, 1666, before Jer. Houchin,† commissioner.

Bill of costs, 1li. 10s.

Agreement, dated Nov. 19, 1651, between Will. Phillipps,‡ sr., of Boston, and John Ward of Ipswich, chirurgion, the former for 70li. sterling was to ship for said Ward in Mareland or Virginia, upon the ship John the Adventure, Mr. Richard Thurston of Boston, master, good tobacco at 3d. per pound to be delivered in London. Said Ward was to pay the freight and customs, and the bargain was to hold good in case Maj. Gen. Gibbons "shall pforme with the abouesaid William" in the payment of the 70li., and said Ward was to stand the loss of tobacco by damage. If Maj. Gen. Gibbons did not pay the 70li. in tobacco, he was to pay by bill of exchange in England by the next return of the shipping from Virginia. If all failed, then William should pay said John 84li. in pieces of eight. Wit : Richard Shearman.†

William Phillipps† receipt, dated Nov. 18, 1651, to John Ward for 20li. in pieces of eight. The remainder of the 70li. was paid as follows: by Mr. Francis Willowby, 17li. 15s.; Tho. Haukings in wheat, 20li.; Mr. Rouell, 12li. 5s.; in monie, 20li.

Goods bought of Mr. Simond Line on account of Mr. William Phillipps: two peeces of Canvas Containing 109 ells & 3-4 at 2/8 p ell, 14li. 12s. 8d.; 2 halfe peeces of Lockrum at 4/15, 9li. 10s.; 2 peices of osenbrige Containing 59 1-2 ells at 22 p. ell, 5li. 9s. 1d.; total, 29li. 11s. 9d.

Copy of the charge for tobacco loaded on board the John's Adventure for Mr. John Ward, dated June 24, 1652, and signed by Ri. Thurston: Mr. Shawe, debtor, to ye freight of 9 Hogsheads of Tobacco at 40s. p. Hogsh., 18li.; for pinage, wharfage, literage, warehouse roome & Coopage at 16d. p. Hog., 12s.; total, 18li. 12s.

† Autograph.

‡ Autograph and seal.

Edward Neland v. Thomas Lovell. Debt. Verdict for plaintiff.\*

Joseph Boud v. Hope Allen. Withdrawn.

Mr. Symon Bradstreet v. Wm. White. For breach of covenant. Verdict for plaintiff, eight sheep or four pounds.

“Mr Ward for ye abatem<sup>t</sup> of Weight: I must needs Say so much of ye man y<sup>t</sup> was entrusted whose name is Mr Turner who is commonly employod on such occasions at Custome Howse y<sup>t</sup> all men y<sup>t</sup> eu<sup>r</sup> I spake w<sup>th</sup> know him to bee honest in what hee undertakes & for not paying ye iust sume for my Father I not receiued one pownd of Tobacco of ye Maior uppon ye Account: therfore my father & your selfe may doe as you please I rest your cordiall Frind Rich: Thurston.” Copy.

Weight of ye Tobacco in Virginia grosse is 3,154; the tare of ye Caske as allowed by all Merchants in Virginia is 55li. p. Hogs., 495; total, 2,659. In neate Tobacco bought in Virginia & delivered for Mr. Ward, 2,659. Weight of ye Tobacco in London when they first weighed, yet by the account of a man intrusted who saw it weighed only weighed 26C. 2qr. 18li.; gross weight in London, 27C. 0qr 6li.; to be abated, 1qr. 16li. Copy.

Ri. Thurston's receipt to Mr. Richard Shaw for 18li. 12s. for freight. Copy.

\*Writ, dated Mar. 18, 1666-7, signed by Robert Lord,† for the court and served by Robert Lord,† marshal of Ipswich.

Sarah Waree deposed that at the last Fast day at night she heard Thomas Loveell say that his master Baker should have the frame before he would keep it any longer. Sworn in court.

John Woodham deposed that he heard that Tho. Lovell had bought or was about to buy Wore's house of Neland, and upon deponent asking said Lovell, the latter said he had not bought it. Deponent told him that nobody should meddle with any house upon his ground and forewarned said Thomas, before Deacon Knowlton, not to come upon his ground. Sworn in court.

Edward Neland's bill of cost, 1li. 7s. 10d.

John Baker, sr., deposed that Lovill offered to allow him ten shillings, etc. Sworn in court.

Martha Anthru, aged about twenty-three years, deposed that in the spring of 1666, Lovell at her father's house owned a debt to Neland, which he promised to pay next Michelmas to deponent's father Mr. Baker, in corn or cattle, according to bond. Sworn in court.

Sarah Warr, aged nineteen years, deposed. Sworn in court.

† Autograph.

Mr. Symon Bradstreet v. Robert Crose. For breach of covenant. Verdict for plaintiff, six good sheep or three pounds.\*

\*Summons, dated 14 : 1 : 1666, for the appearance of Robt. Crosse and Willm. White of Ipswich, signed by Robert Lord,† for the court.

Robert Crosse, jr., aged twenty-one years, and Steeven Crose, aged seventeen years, deposed that they having been employed about these sheep of the Worshipful Mr. Broadstreet, provided for them both hay and house, that there were six old ewes, four of which died, four ewe lambs, a yearling, and three wether lambs and a ram. They put them on the island with their other cattle two summers and tended them, but in a night almost all were killed or torn in pieces, with four of their neighbor Burnomes, to the great amazement of all, and some were driven into the sea that were never found. What killed them they never knew, and they never heard of wolves being upon the island, but their neighbors at the same time had a cow, a colt, a heifer and a dog killed. One whose farm adjoined his island "had a wonderfull damidge done a mongst Swine: by a wonderfull great bayer & hee grewe so bould y<sup>t</sup> hee would tacke up ther swine in there sight as they sayd: whilst at last they were forsed to send to ther neybores for healpe a mongest the which too of our familie wente w<sup>th</sup> o<sup>r</sup> doges & there wee did Cill the bayer: wch for bignes was the biggest y<sup>t</sup> euer was seen by aney of them." After that they had no further losses, etc. Sworn, Nov. 18, 1663, before Samuel Symonds.†

Copy of an agreement, dated Nov. 10, 1657, between Simon Bradstreete, Willm. White, Steven Jurdan and Robt. Crosse that said Bradstreete delivered to them thirty ewe sheep to be divided among them for keeping for three years, they to shear them and pay all cost of keeping; that Bradstreete was to have one-half the wool of the ewes and rams and the increase, and they to have all the wool of the wethers; that Bradstreet had liberty to dispose of three or four of the biggest wethers any time within three weeks and of the others at anytime after they were clipped, he to stand the loss of all that die through no neglect of the keepers, either by wolves in winter, or when they have no keeper in summer; the keepers were to report losses at once and were to make what profit they could of the wool or flesh of any that die, etc. Wit : Samuel Symonds.

James White, aged twenty-five years, deposed that the sheep that were in his father's hands were carefully kept, etc. Sworn in court.

Gordg Giddeng, aged fifty-nine years, deposed that being a neighbor to Goodman White, the latter or his daughter were always looking for the sheep if they were but out of sight, etc. Sworn in court.

† Autograph.

Joseph Armitage v. John Mansfield. Defamation. Withdrawn.

Mr. Symon Bradstreet v. Capt. Brian Pendleton. Debt. Verdict for plaintiff, 166 hogsheads of salt and two-thirds of a hogshead, eight bushels to the hogshead or 175li. in money.\*

Christopher Milton acknowledged judgment to John Griffing.†

Henry Haggett of Wenham was freed from training, without payment for time to come.

Rich. Longhorne had his license for selling liquors renewed for a year.

Andrew Peeters had his license renewed for a year, provided he let none drink in his house.

John Proecker, sr., aged seventy-five years, deposed the same as his brother Giddens. Sworn in court.

\*Writ, dated 14 : 1 : 1666, signed by Robert Lord,‡ for the court, and served by John Partridge,‡ constable of Portsmouth, by attachment of defendant's house and land, where his son dwells.

Letter of attorney, dated Portsmouth, in Pascataquay river, Mar. 23, 1666-7, Capt. James Pendleton,|| agent for his father, Capt. Brian Pendleton, to John Redman of Hampton, yeoman. Wit: Wm. Vaughan,‡ and Ric. Stileman,‡ Ser.

Simon Bradstreete's bill of costs, 2li. 3d.

Jonathan Thing, aged about forty-six years, deposed that in June the last summer, being employed by Mr. Bradstreet to demand 100li. worth of salt of Capt. Brian Pendleton, he demanded it of the latter's son, who said it had been paid, etc. Sworn, Mar. 23, 1666-7, before Samuell Dalton,‡ commissioner.

Seaborne Cotton, aged about thirty-four years, deposed that Capt. Pendleton said he was troubled about Mr. Bradstreet not coming for the salt and wondered that the latter would leave it there so long, etc. Sworn, Mar. 23, 1666, before Samuell Dalton,‡ commissioner.

Brian Pendleton's‡ note to Simon Bradstreet, dated 11 : 5 : 1660, for 100li. to be paid and delivered in Lisbon salt at his dwelling house in Paskataqua river, at 12s. per hhd., accounting eight bushels to the hogshead.

Robert Payne, aged sixty-five years, deposed that about November last, he bought French salt at 22s. per hhd., with seven and a half bushels to the hogshead.

†Christopher Milton's‡ bond of indebtedness, dated Ipswich, Oct. 17, 1666, to John Griffine of Rowley, to be paid partly by Willyam Starlin and in a good iron pot at price current, two thousand board nails and one barrel of good mackerel, on or before Dec. 25. Wit : James Pecker‡ and John Frincke.‡

† Autograph.

|| Autograph and seal.

Frances Wainwrite had his license renewed for one year to sell liquors.

John Sorlah had his license renewed to keep ordinary and draw wine for a year, also to draw liquors provided he suffer no townsman to drink liquors in his house.

John Sorlah took the oath of fidelity to the country.

Richard Kimball of Wenham was made free.

John Webster was sworn constable of Newbury.

Obadiah Bridges appearing for the crime laid to him by Lidia Browne, court ordered that he appear at the next Ipswich court. Edmond Bridges, sr., and Edmond Bridges, jr., bound.\*

Samuell French, for his misdemeanor which he confessed in court, was ordered to be whipped or pay a fine.\*

\*Examination of Samuel French: That after Obadiah Bridges came out of the room from Lydia Browne, he went in, etc. Taken, Feb. 22, 1666, before Daniel Denison.†

Bond of Samuel French, Ens. Thomas French and Thomas French, jr., acknowledged, Feb. 22, 1666, before Daniel Denison.†

Thomas French, aged about thirty-two years, deposed that Bridges told him of his relations with Liddy, etc.

Edmond Bridges and John Bridges testified that Samuel French said after he had been before the Major and taken oath against Obadiah Bridges that he was so scared, never having been before a magistrate before, that he said what he did for fear.

Edmund Bridges, sr., and wife Mary deposed that hearing a rumor that William Warner and Ephraim French were able to witness in this case, they asked the former to tell the truth and he said that the room in which they were was not a private one, etc.

Edmund Bridges, sr., and John Bridges testified that Lidiah Browne said that she never saw any harm in Obadiah except this one time, etc.

Examination of Lydia Browne, taken Feb. 29, 1666, before Daniel Denison:† that about twenty-three weeks since Bridges and French came to the house of Daniel Warner, her father-in-law, in the evening pretending to visit a brother-in-law who was in the house. Her father and mother were that day gone to Boston, and she went into another room followed by Bridges who shut the door and pulled in the latch, etc.

Examination of Obadiah Bridges, taken Feb. 20, 1666, before Daniel Denison:† that he was innocent of the charge and could prove it, etc. Bond of Obadiah Bridges, Edmund Bridges, sr., and Edmund Bridges, jr.

Samuel French deposed that he went out of the room and lighted a pipe of tobacco, and came back and knocked at the door where

†Autograph.

Lidia Browne, for her great offence, which she confessed in court, was ordered to be whipped or pay a fine.

Robert Day, Ed. Lomas and Robt. Wallis were freed from ordinary trainings, paying a bushel of Indian corn yearly to the use of the company.

Renold Foster, sr., was released from ordinary training, paying a bushel of wheat a year to the use of the company.

Stephen Swett had his license renewed for a year to draw liquors.

Capt. Paull White had his license renewed for one year to still strong waters and sell by the quart.

John Tod had his license renewed for a year to sell strong water.

Tho. Bishop had his license renewed for a year to sell strong water.

Joseph Allcut, being attached to this court by John Averill and no action entered, was allowed costs.

Stephen Crose, William Andrews and Joseph Gidding, for their great misdemeanors of pulling up bridges at the windmill, were committed to prison until the next lecture day, and after the lecture to be brought forth by the marshal and constables, to sit one hour in the stocks, then to be carried back to prison until they pay a fine of 3li. each. They were also bound to good behavior.\*

Bridges and Lydia were, etc. Sworn, Feb. 20, 1666, before Daniel Denison.†

\*Killieros Ross testified that John Gidding told him that Thomas Waite, staying at John Andrews' the night that the damage was done, heard the sons of John Andrews when they came from training, Stephen Crose being with them. That they said one to the other "what if Mr Wade should find the winmill post cut in the morneing when he comes he would conclude y<sup>t</sup> Bishop did it." Further that John Giding said he could have overtaken the men if the bridge had not been pulled up, etc.

John Andrews, jr., being examined, declared that Qorles did the most of the pulling up of the bridge near Mr. Saltonstall's and also confessed that he and Joseph Gidding did the most at the windmill. At Halfield bridge he pulled up one piece of it and laid it down again in the morning, Stephen Crose being in company with them. Also the past spring he was at the Sagamore's grave with Robert Crose, jr., when he was digging it up, and the latter carried the skull upon a pole to a lot where John Gidding was at plow. At first he dug up part of the grave, but later they used hoes.

† Autograph.

Robert Crose, jr., for his barbarous and inhuman act of digging up the grave of the Sagamore of Agawam and carrying his skull upon a pole, was sentenced to be imprisoned until the next lecture day, and immediately after meeting to sit in the stocks for one hour, thence to be conveyed to prison, there to remain until he pay a fine of 6li. 13s. 4d., and he was also bound to good behavior. It was further ordered that within ten days after, he should bury the skull and bones that can be found or brought to him in the place where it was dug up, and erect a cover of stones upon it two foot high or otherwise to pay a fine of twenty nobles more. John Andrews, jr., was to assist him when called to it by him under the same penalty.

John Andrews, jr., having upon examination freely acknowledged the offences charged upon him, was admonished and ordered to make public acknowledgment next lecture day in public in the meeting house, or pay a fine of twenty nobles. He was also to assist Robert Crose in making up the Sagamore's tomb.

Allister Grime was bound for appearance at the next Salem court to answer to the crime of fornication.

John Woolcott, for counselling to steal away a writing from Mr. Nellson, was ordered to be whipped or pay a fine. Thomas Thurlay undertook to pay it.

John Clarke of Wennam was discharged, there being no legal proof against him.

Hugh Smith's estate not being yet divided by any who had power, court appointed Maxemillian Jewett and Leift. Samuell

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John Andrews, jr., confessed that he helped dig up the coffin, that he dug about half a foot deep when "my hart misgaue me," and he assisted no further, being heartily sorry for what he had done. Also that he helped do the damage at "the gin where the windmil now stands," for which he repented, etc.

Mary Ring deposed that the same night sticks and stones were thrown at the end of her master Samuell Rogers' house, and going out at ten o'clock she saw three men, whom she thought were John Andrews, jr., Stephen Crose and William Andrews. Sworn in court.

John Gidding, plowing in a field near Perlye's meadow, deposed that the skull had something like brains or jelly in it, and asked them to carry it away but they refused. Sworn in court.

Jonas Gregory deposed that Crose said he would make a grease pot of the skull for his wife, etc. Sworn in court.



Brocklebanke to divide the lands into three equal parts, that the said parties concerned in the will might have their proportions, the mother one-third and the children two-thirds. If they could not agree, the court was to determine.

John Wooddam and John Tod, having attached John Godfrey, and the actions not having been entered, the latter was allowed costs.

Christopher Lattymour was licensed to sell liquors until the next Salem court, provided he sold none to townsmen to drink in his house.

Joseph Armitage, having attached John Mansfield, and the action not having been entered, the latter was allowed costs.

Thomas Safford dying intestate, his son Joseph Safford, was appointed administrator, and the estate was to be ordered according to a writing delivered into court and to the testimonies of John Addams and Nicolas Wallis and said Joseph's own acknowledgement in court for his mother to have two cows.

Deed, dated Feb. 20, 1666, Thomas Safford of Ipswich, husbandman, for love and affection and his care of said Thomas, to son Joseph of Ipswich, his farm where he dwells, 60 acres, with house, barn, etc., the land bounded on the south by the highway to Mr. Saltonstall's farm, on the southwest by the thick woods, on the northwest by the river and on the northeast by land of Robert Wallis, on condition that said Thomas during his natural life reserve for himself one-half the benefit of the farm to be paid him yearly, or if his wife outlived him, she was to be paid 6li. yearly. Said Joseph was also to maintain Thomas' eldest daughter Elizabeth during her life unless she thought well otherwise to dispose of herself, and if so, she was to have 20li., also to pay his daughter Mary, 5li., daughter Abigaill, 15li. within three years after his decease. Presented at Ipswich court, Mar. 26, 1667, by Joseph Safford, with testimony of John Addams and Nicolas Wallis.

John Addams and Nicolas Wallis deposed that they were present when Thomas Safford was on his death bed and he said he would have the writing stand, that he had given his daughter Killum five pounds and that he hoped she would not be troubled because he had done something formerly for her, but he would give her one of his heifers, also his daughter Abie a heifer with a calf six weeks old. Sworn in court.

Inventory of the estate of Thomas Safford, taken Mar. 19, 1666-7,

and allowed Mar. 26, 1667, in Ipswich court: wearing apparel, kitchen utensils, chairs, table and form, rug, beds and their furnishings, carpeting, grain, domestic animals; the farm with house, barn and orchard, 200li.; total, 244li. 18s. 6d.

Walter and John Fairefield, petitioning for advice concerning some land, which was given by their father to their mother and her heirs, court determined that her children were her heirs and the eldest son should have a double portion. Also what was due in reversion, if recovered, to be divided as aforesaid.

Mr. Jonathan Wade had his license renewed to sell strong waters for one year.

Moses Pengry had his license to keep an ordinary and to retail liquors renewed for one year.

Mr. Baker had his license to keep ordinary and draw wine and liquors renewed for one year.

Rachell Clenton, complaining to Mr. Symonds of John Clark's lying with her, and upon trial denying it, was ordered to be whipped.

Robert Collings, being very infirm, was released from training.

Court found that the estate of Roger Preston could pay to the creditors 3s. 4d. on the pound, which the marshal of Salem was to allow the creditors as they came to him either in kind as they were appraised or to the value, he having by order of the court taken the estate into his hands.

Will of Robert (his mark) Mansfield of Lynn, dated Aug. 3, 1664, and proved Mar. 26, 1667, by Henry Rhodes and William Clarke. He bequeathed "to my sonn Joseph Mansfield my whole Acomadation in building lands & meddow, except 3 acres that I bought of John Deken w<sup>ch</sup> lyeth in the neck by Jo. Ramsdell I bequeath to my sonn John Mansfield att my death two cowes or two heifers in calfe & foure pounds to be payd him out of that three acres in the neck I bought of John Deken as aforesayd and two cowes, or the two heifers to be payd by my sonn Joseph and the foure pounds I bequeath to my son Andrew Mansfield at mine & my wifes death, The bed I vsually lye upon with all the apptenances and foure pounds, to be payd him out of the three acres of land in the neck w<sup>ch</sup> I bought of John Deken as abovesayd And wheras I give my sonn John and my son Andrew foure pounds a peece, to be payd them out of the three Acres of Land y<sup>t</sup> I bought of John Deken, as aforesayd my sonn Joseph, haveing soe payd them: then this three Acres of Land to remaine his for ever w<sup>ch</sup>

is to be after mine & my wifes decease I will that my sonn Joseph pay vnto M<sup>r</sup> Laughton 23 shillings I owe vnto him out of the land I bought of John Deken I will that he paye 20<sup>s</sup> out of that Land y<sup>t</sup> I bought of John Deken I will that my wife Elizabeth shall have halfe the estate that we liue in dureing the time of her Life also I will y<sup>t</sup> my wife Elizabeth, have the command of the rest of my goods to her disposing after my death, Allsoe I will, that I make my sonn John Mansfield my lawfull executor & Henry Rhodes & Nathaniell Hanford my overseers." Wit: George (his mark) Tayler and William (his mark) Clarke.

Inventory of the estate of Robert Mansfield of Lynn, who died Dec. 16, 1666, appraised, Apr. 25, 1667, by Nathaniell Handforth and Frances Burrall, and on Apr. 30, 1667 allowed in Ipswich court: Wearing apparel, beds and bedding, iron, brass, pewter, one close bedstead, chests, joynd table, six joynd stooles, two Bibles, sword and bandeleors; houseing & orehyard, 15li.; 8 1-2 acres, within fence, 42li. 10s.; 3 1-2 acres, without fence, 3li. 10s.; 10 1-4 acres salt marsh, within fence, 51li. 5s.; total, 173li. 17s.

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Joseph Medcalfe deposed, 30 : 1 : 1654, concerning the wife of Henry Batchiler, that he met her near his farm, holding up her coats in an unseemly manner, some pigs following her. She said she did not know whose they were. A boy of Goodman Symonds also told him that he saw her upon a Lord's day in his master's lot, etc.

James How, Thomas Medcalfe and Francis Bates deposed that Goodwife Batchiler had several times said that some of Goodman Medcalf's and Goodman Howes' cattle would die, some would escape and others would live, and it came to pass as she said, although they all seemed well when she told it.

John How deposed that being at Goodman Batchiler's house about the time his father came to his farm, etc.

James How, John Perly and John How and his wife deposed that during the same summer the herd of cattle that Goodman How kept were exceedingly troublesome and acted in a strange and hideous manner several times, as on a Lord's day morning "all the whole heard Brake out of a fenced yeard and rann with such violence that it amazed all that looked out after them making a hideous noyse lyke thunder with rattling of cheines to theyr seeming but could p noe meanes be stopped." Also when they were counted there would always be one over. Further Goodman Batchiler went to Goodman How to borrow some draught cattle, but his wife said she was unwilling to do so because she feared there was some evil practice in it. While they were talk-

## COURT HELD AT SALISBURY, 9 : 2 : 1667.

Jury of trials: Mr. Jno. Carleton, James Davis, jr., Rob. Swan, dismissed, Andrew Greley, Wm. Buswell, Ephraim Winsley, Isaac Pirkins, Jno. Cass, Dan. Ela, Abrah. Cole, Benjamin Shaw, Willi. Osgood, Edward Cottle, Jno. Robison, Joseph Davis, Jno. Griffin, Rich. Hubard, Wymond Bradbury, Henry Roby and Jonathan Thing, dismissed.

Grand jury: Henry Roby, foreman, Jno. Dickison, Rodg. Eastman, Jno. Clough, Jarret Hadon, Sergt. Jno. Hoyt, Tho. Warde, Jno. Cleford, Wm. Samborne, Giles Fuller, Tho. Eaton, Michaell Emerson and Sam. Levitt.

Civil cases:—

Edw. Colcord, Wm. Marston and Tho. Deareborne v. Jno. Stanian. Appeal from a judgment of the commissioners of Hampton concerning the spoiling of a parcel of timber which said Stanian had hewn to build a frame for Nath. Boulter, which timber lay upon the westerly side of the mill brook. Verdict for defendant. Court did not concur, so the case falls to the Court of Assistants by law.\*

Henry Salter v. John Godfrey. For refusing to give him possession of a certain tract of land lying near Haverhill, about thirty acres, adjoining the lands of Wm. Deale and lying between Hunting hill and the river Merimack which said plaintiff bought of

ing Goodwife Batchiler appeared and asked them why they were speaking of her and seemed very angry, all of which made them marvel. James How, going to Rowley to load hay, put on half a load, with six bullocks to haul it, but coming home the cattle acted strangely, lying down often and at length would not draw the empty cart, etc.

\*Copy of record of the meeting of the commissioners of Hampton, 13 : 12 : 1666, in this action, with judgment, made by Samuell Dalton, † commissioner.

Copy of bond of Edward Colcord, Will Marston, jr., Tho. Dearborn and Rich. Oliver, dated 13 : 12 : 1666, made by Samuell Dalton, † commissioner.

Henry Robey, aged about fifty years, testified that he heard Ed. Colcord say that if Nathaniell Boulter improved the land made over to Christopher Palmer, said Colcord would cut it, etc. Sworn, 13 : 12 : 1666, before Samuell Dalton, † comis.

† Autograph.

defendant, as appears by bill of sale. Verdict for plaintiff. Appealed to next Court of Assistants. Jno. Godfrey and Steven Kent bound.\*

Phillip Lewis, assignee of Jno. Cass v. Christo. Palmer. Debt. Verdict for plaintiff. To be paid in codfish, corn and neat cattle. Appealed to the next Court of Assistants.

John Godfrey v. Jno. Remington, jr., and Abigail, his wife. For denying and refusing to yield up possession of a house and lands in Haverhill, as per deed of mortgage. Verdict for defendant. Appealed to next Court of Assistants. John Godfrey and Steven Kent of Haverhill bound.

Jno. Godfrey v. Abraham Whiticker. Debt. Forfeiture of a bond. Verdict for defendant. Appealed to the next Court of Assistants. Jno. Godfrey and Steven Kent bound.

Jno. Godfrey v. Willi. Symons. Forfeiture of a bond. Verdict for plaintiff.

Jno. Godfrey v. Willi. Symons. Forfeiture of a bond.

Wymond Bradbury v. George Carr. Debt. For goods delivered, as planks, boards, beef, cotton, wool, nails, spikes, ropes, shot, lead, okum and oars. Withdrawn.

Wymond Bradbury v. George Carr. Debt. Withdrawn.

Henry Roby v. Edw. Colcord. Defamation. For calling him base rogue and other reproachful words. Verdict for plaintiff. Defendant was to pay a fine or make acknowledgment of his fault the next lecture day at Hampton.

\*Edward Eyeomans and wife Mary deposed that Henary Salter, being at their house, urged John Godfrey to sell him some land that the latter had of Edward Clarke at Haverhill by execution served by Marshal Drack of Hampton. Godfrey replied that he did not wish to sell because he did not know how much there was of it, but if there were only six acres Salter said he would give the four pounds, and agreed not to sue Godfrey whatever the land proved to be. Sworn, Mar. 26, 1666, before James Davise and Henry Palmer, commissioners of Haverill.

Deed, dated June 13, 1664, John (his mark) Godfry‡ of Ipswich to Henry Salter of Charlestowne, for 4li., thirty acres "laying downe the great river about hunting hill, william Deales land laying upon one side of it," which land was taken by execution from Edward Clarke, etc. Wit: Stephen Kent† and Robert Ford.† Acknowledged, Nov. 14, 1664, before Richard Russell.† Recorded in Norfolk County records, Apr. 8, 1667, by Tho. Bradbury,† rec.

† Autograph.

‡ Seal.

Henry Roby v. Edw. Colcord. Molestation. For troubling him with many vexatious suits. Verdict for defendant.

Henry Roby, in behalf of the town of Hampton v. Jno. Fulsham, sr., of Exeter. Trespass. For conveying away some hay belonging to the town of Hampton and laying claim to certain meadows belonging to Hampton. Verdict for defendant. Court did not concur, and it was referred to the Court of Assistants.\*

Nath. Boulter v. Edw. Colcord. Defamation. For saying that plaintiff had caused one to take a false oath and afterward sold him his oath again, and he further added that he would not have his friends troubled by such a rogue as Boulter, which words were spoken publicly before more than twenty men. Verdict for plaintiff.

Nath. Boulter v. Edw. Colcord. Unjust molestation. Withdrawn.

Nath. Boulter v. Ed. Colcord, Wm. Marston, jr., and Tho. Dearbourne. For cutting and spoiling a parcel of timber which Boulter had felled and drawn together to build a house on the westerly side of mill brook. Verdict for defendants.

Jno. Maxfeild v. Jno. Cole. For claiming and making use of that parcel of meadow which was laid out to the original right of defendant in reference to the cow common, which right Cole sold to Jno. Severans, and the latter to George Martyn and said Martyn

\*Writ, dated Apr. 1, 1667, signed by Samuell Dalton,† for the court, and served by Abraham Drake,† marshal of Hampton, by attachment of the goods of John Foulsum, sawyer.

Christopher Palmer deposed that he told John Foulshum, sr., that there was some hay carried away which Hampton men had cut near the Great pond in the western part of the town, and Foulsham said he had carried some away that it might come to trial, etc. Sworn in court.

John Samborn, sr., and Nathanel Bachiler deposed that being appointed by the selectmen of Hampton six or seven years ago to perambulate the bounds between Hampton and Exeter, they gave notice to the Exeter men to meet them at Asse brook, but they did not appear. The next day John Gillman and John Foulsham, sr., came and they ran the bounds, and the land in controversy was about a mile within Hampton bounds, etc. Sworn in court before Tho. Bradbury,† rec.

Bill of cost, 3li. 10s. 6d.

† Autograph.

to said Maxfeild. Verdict for defendant. Appealed to the next Court of Assistants. Jno. Maxfeild and Jno. Severans bound.\*

James Davis, jr. v. Robert Swan. For burning his hay and grass last summer. Verdict for defendant.

In the presentment against Edward Colcord, Wm. Marston and Tho. Deareborne, the jury found them not guilty.

Jno. Severans v. Robert Downer. Review. Concerning mowing the grass of his meadow and carrying away the hay, challenging his three acres of meadow, adjoining the meadow lot of widow Willix in a place called Bareberry meadows in Salisbury. Verdict for defendant. Appealed to the next Court of Assistants. Jno. Severans bound.

Capt. Pal White v. Jno. Weed. Debt. Verdict for plaintiff.

Capt. James Pendleton, agent and attorney for Capt. Bryan Pendlton v. James Pecker and Tho. Davis. Debt. Verdict for plaintiff.

Jno. Hoyt, jr., took the oath of fidelity.

Jno. Hoyt, jr., having been chosen by the new towne of Salisbury to keep the ordinary, was confirmed, and licensed to sell wine and strong waters for the year ensuing.

Sam. Felloes was sworn clerk of the market for Salisbury.

James Davis, jr., Tho. Lilford and Tho. Eaton took the free-man's oath.

Sergt. Jno. Hoyt and Sam. Fowler were freed from all trainings, allowing ten groats per annum to the military company of Salisbury.

Isaac Chase chose his brother, Tho. Chase, to be his guardian and the court confirmed it.

Willi. White, Capt. Pike, Rich. Wells and Jno. Severans took the three men's oath.

Daniell Ela was licensed to keep the ordinary for Haverhill for the year ensuing and to sell wine and strong water.

Rich. Currier was chosen clerk of the writs for Salisbury new towne.

Rich. Currier was sworn viewer of staves and measurer of boards for the old and new town of Salisbury.

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\*Bond of John Cole and Robert Pike, dated 5 : 2 : 1667, for said Cole's appearance, given to John French, constable of Salisbury.

Richard Currier and Thomas Barnett took the three men's oath for ending small causes in the new town of Salisbury for the ensuing year.

Ordered that the estate of Thomas Hauxworth, deceased, sometime of this town, be committed to the improvement of Onezeverous Page, who married said Hauxworth's daughter, who was to provide for the maintenance of the relict of Hauxworth, his wife's mother. Page had power also to exchange or sell part of the estate, with the approbation of Tho. Bradbury and Ric. Wells. If his mother-in-law proved more than ordinarily burdensome to him by reason of her age and other infirmities, the town of Salisbury should afford timely help.

Copy of all causes ended, Dec. 20, 1666, before Samuell Dalton,\* commissioner:—

On 26 : 10 : 1665, John Redman, sr., and Abraham Drake complained against Dennes Kellam for swearing two wicked and profane oaths in Hampton, and said Kellam confessing, was fined 20s.

On Mar. 5, 1665-6, John Marrian complained of Abraham Perkins, jr., for pilfering, stealing a beetle and three wedges from his land, and when the beetle was found with him, he had lied, saying he had bought the beetle ring of the smith at Pascataqua. He was fined 20s.

On Apr. 28, 1666, Owen Sipple, servant to Mr. John Gillman, was fined 10s. for abusing himself with drink in the town of Hampton.

Copy of the will† of Thomas King of Exeter, dated Mar. 11, 1666-7, and proved 9 : 2 : 1667, at Salisbury court, by Mr. Seaborn Cotton and Saml. Dalton. He bequeathed "unto Miria[m K]ing my beloued wife for the terme of her [naturall] life my dwelling house and Barne and all the houses [being and standing] upon my lot with all my Lands and medows in the Towne of Exeter Excepting what I shall by this my last will otherwise dispose of, and the same to be and Remaine unto her duering her [naturall] Life or her mariage to [some other man] and if she shall dispose of herselfe in mariage that then she [shall] enjoy only one third part of my houses and Lands. That after my wifes decease my s<sup>d</sup> houses and Lands in the Towne of Exeter meadows and marshes and other privilidges and appurtenances I doe by these preasence Giue and Bequeath unto Jonathan Thing of Exeter and my Cosen Henery Moulton of Hampton for the use and benefit of his second son that shall liue and arive unto y<sup>e</sup> Age of twenty one yeares the one halfe of all aboue written to him his heires and

\* Autograph.

† Portions in brackets are supplied from Norfolk records, Essex County Registry of Deeds, Vol. II, p. 80.



Mr. Jno. Carleton, presented for striking Rob. Swan several blows wounding him and giving him threatening words, was fined.

Rob. Swan, presented for striking Mr. Jno. Carleton several blows, was fined.

Tho. Mudgett and Jno. Maxfeild, for felling and carrying away timber off men's lots in a felonious way, were each fined 20 shillings, it being their first conviction.

Isaac Morrell, for felling and carrying away timber off men's lots in a felonious way, was ordered to be whipped ten stripes.

Mr. Dearing was licensed to keep the ordinary for Hampton for the ensuing year.

In the complaint of Wm. Holdred v. Jno. Ilsley, the court found some truth in that said Ilsley's children had been beating Holdred's daughter, and ordered Ilsley to pay costs of court.

Willi. Osgood, Leift. Phillip Challis, Ensigne George Browne, Mr. Jno. Samborne and Mr. John Gillman were appointed a committee to consider what county bridges were necessary to be made belonging to Salisbury, old and new town, Haverhill, Hampton and Exiter, also to determine what kind of bridges and the cost, whether the expense be paid by the county or the several towns, and to make a return at the next Hampton court.

Assignes forever and the other halfe to Jonathan Thing as in aboues<sup>d</sup> his heires and Assignes for ever

"I Giue and bequeath unto my Co[sen Christian Dollh[off] twenty acres of Land in the Town [of Exe]ter out of thirty acres lying from Henry Magoons Land over Rocky hill to the Bridg ward and two acres of the swamp over the little River which is now cleared and made meadow after my wifes decease or mariage. I doe Giue unto William Willy my servant fifty acres of Land which I formerly pmised him and I doe also Give him what farther time I haue in him by Covenant And for my Cattle and houshold Goods and Debts and other moveables (my Just Debts being first paid) I comit the same to my wife duering her natural life or Mariage and in Case of Marying shее to enjoy only one third part of the same of which Debts my will is that [John Moulton] shall haue ten pounds after my decease towards his building a house and Christian Dolhoff ten pounds when he shall setle and build

"And my will is that after her decease, y<sup>e</sup> s<sup>d</sup> estate of moueables bee divided into three parts or in case that my wife should dispose of her selfe in mariage that then the two thirds shall be divided accordingly viz one third part unto my Cosen Henry Moulton and one third part to Jo[nathan Thing] and one third

Jno. Hoyt, jr., was dismissed from all trainings until such time as he should be cured of his infirmity.

Rodger Collins was licensed to set up the stilling of strong waters within the County of Norfolk.

The committee appointed to order Brey's estate of Exiter, late deceased, was continued until the next Hampton court.

Jno. Severans had his license renewed to keep the ordinary for the town of Salisbury.

The constable of Hampton was ordered to deliver "the cheines w<sup>ch</sup> are in his hands to Nath. Boulter: w<sup>ch</sup> are in his costody taken by Searche."

Allowed ten shillings to the servants of the house.

COURT HELD AT IPSWICH, APR. 30, 1667, BY ADJOURNMENT.

Christopher Millton acknowledged judgment to Daniell Hovey.

John Dane, sr., was released from training, paying 6s. 8d. per annum to the use of the company.

John Leigh, presented for working in his swamp on the Lord's day, was discharged when upon testimony it was found that it was to stop the fire from doing harm to himself and others.

part to my Cosen [Christian Dolhoff if the s<sup>d</sup> Jonathan and Henry] shall see [that he setle himselfe] in some puable way [of good Husbandry and] the said third part together with the twenty acres of Land formerly mentioned to be and remaine unto the first childe which he the s<sup>d</sup> [Christ]ian shall haue by my Cosen Rachell his [present wife] And I doe by these presents Nominate and Apoint my loveing Cosen Henry Molton and my [Neighbor and Contryman Jonathan] Thing to be my lawfull Executors to this my last will and Testament who are to take effectuell Care of my estate after my decease and to see that what I [leave] to my wife [may be so] managed [and impued as that my wife may live comfortably and that the s<sup>d</sup> estate may not be] wasted [and] imbezeled and it is intended that the twenty acres of Land Given to Christian Dolhoff and the fifty acres of Land Given to William Willy to be to their use and improvement Imediately after my decease." Wit: Seaborne Cotton and Samuel Dalton.

Henery Lampery, aged about fifty years, deposed that going to Salisbury on May 29, he saw Edward Gouf bring a cow into the highway and deliver it to Abraham Fitts, etc. Sworn, June 21, 1667, before Robt. Pike,\* commissioner.

\*Autograph.

Maximilian Jewett, Leift. Samuell Brocklebanke and Ezekiell Northend, appointed at the first session of this court to make equal division of the lands that were Hugh Smith's, made return. But the parties concerned came into court and presented an agreement that may be as good for the children of said Smith, and court accepted it and confirmed the rest of the land to Jerimiah Elsworth.

Will of Hugh (his mark) Smith, dated 19 : 9 : 1655, was proved, 25 : 1 : 1656, in Ipswich court. He bequeathed to wife Mary to have the whole estate for the bringing up of the children as long as she remained unmarried, but if she marry to have her thirds. She was also to have 5li. for the bringing up of his youngest son, and the eldest son was to have half as much more as the others. Wit: Thomas Dickanson, William (his mark) Jackson, John Trumble and John Pickard.

Inventory of the estate of Hugh Smith, taken 14 : 10 : 1655, by Joseph Jewett and Thomas Dickanson, and allowed, 25 : 1 : 1656, upon oath of Mary Smith, the widow: One mare, 15li.; one asse, 4li. 10s.; foure sheepe, 3li. 15s.; two oxen, 14li.; five coves, 19li.; one cow & a bull, 7li.; two heifers, 7li.; six calves, 9li.; one sheepe, 4li.; eight swine, 6li. 10s.; house & barne & 6 acres of land & orchard, 40li.; seaven acres of land & one halfe in Bachelour's plaine, 22li. 10s.; two acres & a quarter of Land in the new plaine, 4li. 10s.; eleven acres of meddow, 20li.; foure gates for cattell, 4li.; one gate more, 1li.; wheate & Rye, 8li. 10s.; Indian corne, 4li.; eleven score & 14li. of wooll, 14li. 12s.; thirty pound of sheepe wooll, 2li. 5s.; one paire of looms with tackling thereto, 1li. 10s.; one musket & two swords & one pouch, 1li. 10s.; one great coate, 1li. 10s.; one short coate, 6s. 8d.; one dublett, 12s.; one paire of cloth breeches, 8s.; one Jerkin, 12s.; one fustian dublett, 5s.; one short coat & payre of breeches of white cloth, 10s.; one paire of bootes, 17s.; one sute of leather, 18s.; one hat, 6s.; one fetherbed & bed clothes & a bedsted, 6li. 10s.; a trundlebed & clothes, 2li.; one Rugg in the bay, 1li.; one warmeing pan, 8s.; another bed & clothes, 1li. 10s.; one cart & one plough & chaynes, 3li.; hay, 4li.; kettells, potts, tubs, one Chirne & pewter, 5li. 10s.; wheeles, chaires & cushens, 10s.; total, 244li. 14s. 8d. Debts owing by him: to the children of Goodye Elitrop, 12li. 17s.; Mr. Jewett, 11li.; Elder Rayner, 11li.; John Tod for woole, 10li.; John Tod for beere & cakes, 1li. 10s.; Thomas Wood for a coffin, 9s.; James Barker, his apprentice, 5li.; total, 51li. 16s.

William Quarles, presented for pulling up the bridge on the road, was fined and imprisoned until the last day of the week at night and bound to good behavior.

Ezekiell Woodward, for his great offence in affronting the constables in the execution of their office, was fined or to make a public acknowledgement next lecture day. He chose the latter.\*

Thomas Bishop was fined and ordered to make a public acknowledgment for speaking reproachfully and defaming the court concerning their proceedings with and against the prisoners last court.†

Robert Coker and Moses Spillbury were allowed witness fees in John Godfrye's presentment, and the constable of Newbury was allowed costs.

Samuell Roberds and John Roberds were bound for said Samuel's appearance, and Josias Clarke and Thomas Clarke, sr., for said Josias' appearance, at next Ipswich court to answer about stocks.

The treasurer's account showed that the county was debtor 9li. 8s. 10d., and that there was due to the county 637li. 7s. 3d. for Quakers' fines.

\*Robert Pearce testified that when those four were in the stocks, Goodman Woodward said to Goodman Layton "what will you breed a mutanye and if you had stroake me I would a laid you ouer the head." Sworn in court.

John Layton and Theophilus Wilson deposed that attempting to see the sentence of the court executed and speaking to the company present to keep further off, Goodman Woodward said it was the King's ground, that he had a right to stand there as well as they and if they thrust him again he would set them further off. Sworn in court.

†Cornett Whipple and Robert Lord, sr., deposed that speaking of the prisoners then in prison, Steephen Crose, Will. Andrews, Robert Crose and Jos. Giddens, Thomas Bishop said it was a very hard sentence and it was to punish the innocent and let the guilty escape, also to punish with fines and imprisonment was to punish their parents and not them and that they were not punished for any offence but because they would not confess that they did not do it. He also said that they would better have given them a little of the whip, adding that it was the simplest thing he ever knew. This was spoken in the meeting house in their seat before meeting. Sworn in court.

Daniell Epps deposed. Sworn in court.

## COURT HELD AT SALEM, JUNE 25, 1667.

Judges: Worshipfull Mr. Symond Bradstreet, Mr. Samuuell Symonds, Major Danyell Denison and Major Wm. Hathorne.

Jury of trials: Jacob Barney, Mr. Jon. Browne, Mr. Joseph Grafton, Mr. Samuel Gardner, Joseph Phippen, Mr. John Gidney, Mr. Will. Hollingworth, Andrew Mansfeild, Math. Farrington, John Davis, James Davis and Walter Fairefeild.

Civil cases:—

Jane James v. Richd. Rowland. Defamation. Verdict for plaintiff.\*

Bill of costs of Caleb Moody,† constable of Newbery, dated 9 : 3 : 1666, for summoning Hendry Jackwish, John Smith, a Scotsman, who lived four miles from his house, Retcherd Brirs, two miles, Thomas Thurlow, four miles, James Brown, jr., John Godfre, and nine witnesses, Antony Mos, sr., Franses Therlow and his wife, Retcherd Dowell, Hendry Lesenbe, Peeter Cheni, John Willson, John Cromwell and his wife, 19s.

\*Writ: Jane James, widow v. Richard Rowland; defamation; for saying that plaintiff came in at a hole in the window in Rowland's house, took him by the throat and almost choked him as he lay in his bed and called her old hag; dated June 17, 1667; signed by Moses Mavericke,† for the court; and served by John Peach,† constable of Marblehead.

Jane James' bill of cost, 1li. 7s. 6d.

Capt. James Smith, aged about forty-three years, deposed that he, Samuuell Aborne, sr., and Richard Rowland were in bed together when suddenly the latter screeched, started up and said he was almost choked with the old hag, Goody James, who, he said had come in through a hole in the window and had him fast by the throat, etc. Deponent saw nothing although the room was very bright with the light of the moon. Sworn in court.

Samuuell Ebern, aged about fifty-six years, deposed. Sworn in court.

John Furbush, aged nearly forty years, deposed that he had often heard Richard Rowland and his wife call Jane James, Jesable and devil. Sworn in court.

Copy of Salem court record of 31 : 10 : 1667, Erasmus James v. Peeter Pitford; defamation; saying that the wife of Erasmus James was a witch. Verdict for plaintiff. Copy made by Hill-yard Veren,† clericus.

† Autograph.

Margarett Benett v. Sander Migillegan. Verdict for plaintiff.\*  
 Richard Rowland v. Capt. James Smith. Forfeiture of bond of arbitration. Verdict for plaintiff. Court moderated the bond from 500li to 50li.†

\*Writ: Margreat Bennett v. Saunder Migallagan; trespass, done by Migillagan's wife in going into the field and garden of said Bennett, and when bade to go out, striking and wounding her, bringing blood, etc.; dated June 19, 1667; signed by Moses Mavericke,‡ for the court; and served by John Peach,‡ constable of Marblehead.

Margaret Benett's bill of cost, 1li. 7s.

Ann Deverix, aged about twenty years, deposed. Sworn in court.

Richard Downing and Mary, his wife, deposed that in November last they were in their lot with their mother, Margerett Benet, said Richard being at work within the fence of a little enclosed garden, his wife and mother being without the fence. William Beale's wife, Frances Gilligan and Mary Parnell came in and went through the lot where there was no path, upon which Margerett Benet asked them why they came that way and they replied that they were going to John Devorixes. Margerett told them that she would not have them make a highway through her lot, but they came to the garden fence, which was a high hedge fence set upon turf, and said they would go over that fence. Frances Gilligan struck Margarett in the face with her fist, knocking her down, beat her and called her names, and Martha Beale also beat her, until she called for help. Said Downing went around over some rails, pulled Martha off by the waist of her coat and chided her for beating his mother, but as soon as his back was turned she struck her down again, bruising her and bringing blood. Mary Downing deposed that she was prevented from helping because at that time she was very weak and sickly. Sworn in court.

Robert Newman, aged about seventeen years, deposed that being behind the house of his master, John Deverix, he heard Mary Downing crying murder and calling for help, etc. Sworn in court.

Ann Deverex, aged forty-six years, deposed. Sworn in court.

†Writ: Samuell Ebborne v. Richard Rowland; slander, in saying that said Samuell forged a letter that was sent home to England; dated Mar. 18, 1666-7; signed by Hillyard Veren,‡ for the court, and served by Thomas Rix,‡ constable of Salem.

Writ: Samuell Eborne v. Richard Rowland; defamation, in saying that said Eborne had taken a false oath; dated Mar. 15, 1666-7; signed by Hillyard Veren,‡ for the court; and served by John Peach, sr., constable of Marblehead.

Execution, dated 1 : 2 : 1667, against Richard Rowland to satisfy judgment granted Samuell Ebourne, 11 : 2 : 1664, signed by Wm. Hathorne.‡

‡ Autograph.

Moses Aburne, aged twenty-one years, deposed that being at Marblehead in Richard Rowland's house, he heard Mary Rowland charge Samll. Aburne, sr., with slandering them in saying that they had taken gold out of the house. She seemed to be very angry with said Samuell, who replied, "sister why ar you so troubled: although I spake of it to my brother in private I gaue no Credit vnto it." She answered that she would not own him for a brother, and he replied "No marvel you wil not owne me for a brother seinge you would not owne your owne mother." Further deponent heard Richard Rowland and his wife charge Samll. Aburne with forging a letter in his mother's name to James Smith. Sworn, 20 : 1 : 1666-7, before Wm. Hathorne.\*

Judith Groundin, aged twenty years, deposed that Mary Rowland offered Samll. Aburne a bed and told him to take it away. Sworn, 18 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Sarah Randell, aged twenty years, deposed that being at Rowland's house the night of Mar. 16, between eight and nine o'clock, Capt. James Smith came in and inquired for his horse. Rowland said "I pray Brother Come & sitt downe & smooke a pipe of Tobako: he said noe haue a Care of that, to smooke a pipe of tobako I doe not care if I doe, butt to Come neere y<sup>e</sup> fire I dare nott for feare my sister should speet in my face butt I will keepe fare anuffe," etc. His sister answered that if he would come and drink a cup of small beer, he would be welcome but she had no mind to quarrel. Smith then said he was sorry he said so much, and upon Rowland saying that an honest man would be as good as his word, Smith called him a Welsh cur and a base Welch dog. Sworn, 18 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Henry Smith, aged sixty-three years, deposed that being in the house of Capt. James Smith, he heard Samuell Eborn accuse Richard Rowland of breaking up a chest that was locked, and stealing goods out of it, and doing all in his power to ruin his father, mother and brother Smith. Sworn, Mar. 15, 1666-7, before Moses Mavericke,\* and again on 16 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Sary Randol and Judith Groundin deposed that every time Samuell Aborn came to Marvellhead, etc. Sworn, 18 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Writ: Capt. James Smith v. Richard Rowland; for taking possession and occupying certain housing with lands belonging to plaintiff and withholding them; dated 21 : 12 : 1666, signed by Hillyard Veren,\* for the court; and served by John Peach,\* sr., constable of Marblehead.

Writ: Capt. James Smith v. Richard Rowland; trespass, for coming upon his land at Castle Hill in Salem, making waste of timber, cutting his grass and molesting his tenant for several

\* Autograph.

years; dated 21 : 12 : 1666; signed by Hillyard Veren,\* for the court; and served by John Peach,\* sr., constable of Marblehead.

Writ: Richard Rowland v. Capt. James Smith; defamation; for saying that plaintiff was a thief and a liar, and had broken up a chest given said Smith by his mother, stolen goods out of it, and that he would present him at the next court as a liar, also that he had removed the landmarks at Castle Hill several times; dated Mar. 18, 1666-7; signed by Moses Mavericke,\* for the court; and served by John Peach,\* constable of Marblehead.

Writ: Richard Rowland v. Capt. James Smith; debt; dated Mar. 14, 1666-7; signed by Moses Mavericke,\* for the court; and served by John Peach,\* sr., constable of Marblehead.

Writ: Capt. James Smith v. Richard Rowland; for carrying away out of the house of plaintiff money, bedding, clothing, etc.; dated Mar. 15, 1666-7; signed by Hillyard Veren,\* for the court; and served by John Peach,\* sr., constable of Marblehead.

Writ: Capt. James Smith v. Richard Rowland; debt; dated Mar. 15, 1666-7; signed by Hillyard Veren,\* for the court.

Writ: Richard Rowland v. Samuel Eborn, sr.; slander; for saying that Mary Rowland had broken up a chest of her mother Smith's, taken a bag of gold from it, and that defendant said if it had not been for Richard Rowland and his wife, that his father and mother would have been alive to this day; dated Mar. 14, 1666-7; signed by Moses Mavericke,\* for the court; and served by John Peach,\* sr., constable of Marblehead.

James Smith,† Samuel (his mark) Ebborne‡ and Richard (his mark) Rowland‡, on Mar. 21, 1666-7, agreed to leave all their differences to Major William Hathorne, Mr. Edmund Batter, Sergt. John Porter and Hillyard Veren, as arbitrators. Wit: John Gedney\* and Elias Mason.\*

Award, dated 13 : 2 : 1667, of the arbitrators, Wm. Hathorne,\* John Porter,\* Edmund Batter\* and Hillyard Veren:\* That the whole of Castle Hill bought of Mr. Stillman was to be James Smith's, he paying to Richard Rowland, 20li. before the last day of June; that the stone wall between the land of James Smith and Rich. Rowland in Marblehead shall be the bounds from the swamp to Richard's house, and the fence as it now stands to be the bounds between them there, enough land behind Richard's house in James Smith's yard to be reserved for said Rowland to set up a leanto as far out as his other leanto stands; to have the breadth of two feet of land around that part of his leanto that he may have free egress and regress to build or repair the same; that one half the wall and fence should be maintained by Smith and half by Rowland as set out by William Hathorne and John Porter; that Rowland should deliver the houses and land to Smith, having a week to take his goods out; that for that part of the swamp taken in by the stone wall next to some land formerly William Barber's, looking toward

\* Autograph.

† Autograph and seal.

‡ Seal.



the town, which is in dispute between the town and them, be left as it is, but they do not allow Rowland a way over James Smith's land except by suffrance; Smith was to pay Rowland what he owed, deducting the rent which Rowland owed, etc.

For the arbitration for Richard Rowland put to Samuel Aborne's account, 3s. 4d., per John Gedney.\*

Henry Smith testified that he heard Richard Rowland tell Samuell Eborne that he took a false oath. Sworn, 16 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

James Smith, aged forty-three years, deposed. Sworn, 16 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Copy of Ipswich court record, Sept. 30, 1662, concerning complaint made against Richard Rowland for abusing his mother-in-law, Mary Smith.

Samuell Eborn, Dr., to rent of Castell Hill which hee is to pay of my mother-in-lawes dept, 2li.; to ditto when his son Samuell had itt, 2li.; fencing one-halfe Acre of Marsh, 15s.; 1 pr. of shooes for his son Moses, 7s.; fencing of another halfe Acre of ground, 2 yeare, 2s. 6d.; Mowing & Making of half an Acre of ground, 3 yeare, 7s. 6d.; Rubstone, 4d.; mony for sack, 1s.; for my mans tending of goodm. Legg, 2s.; pd. Goodm. Legg for mending Capt. Smiths House, 3s.

Francis Johnson, aged about fifty-nine years, deposed that he heard James Smith, deceased, say that Richard Rowland paid 10li. in the part purchase of Cassell hill. Sworn, 7 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

John Peach, sr., and John Peach, jr., deposed. Sworn, 14 : 1 : 1666-7, before Wm. Hathorne.\*

Bond, dated Boston, Aug. 8, 1666, James Smith\* of the city of Bristoll, mariner, to Richard Rowland of Marbellhead, cooper, for 20li. Wit : Samuell Rowland\* and William Sprake.\*

Capt. James Smith Dr. for washing, 5s.; carrying a parcell of shooes to Boston, pd. Elizabeth Browne, 6s.; Goodm. Horn, 3s.; freight of sugar Caried to Boston, 2s. 6d.; washing a silver Hatt band, 6d.; pd. Samll. Shaddock for dressing a hatt, 3d.; 1 saddle Cloth, 3s. 9d.; 9 months diett for his sonn at 20s. p. mo., 9li.; 14 weeks diett to himself, with washing, 4li. 18s.; pd. Mr. Maverick, 1li. 9s. 8d.; grounselling his Barne, 1li. 3s.; for 324li. of hay, 6s.; carrying Cloth Lining to Boston, 4s.; total, 17li. 1s. 8d.

Mary Rowland, aged seventeen years, deposed. Sworn, 22 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Richard Rowland is Dr. by 18d. paid John Burton for Richard Rowland.

Walter Price,\* aged about fifty-three years, deposed that Mar. 18, 1666-7, Rowland asked him to go with him to Castle hill to see his bounds, Major Hawthorne and Mr. Batters being present. The bounds of the marsh on the end next to the bridge over the

\* Autograph.

creek were on the side next to the upland on a hill where there was a stump of a tree and on the other side near the end of Goodman Lemon's marsh on the other side of the creek, and from the first bounds ranging into the upland, taking in a row of apple trees, upon one of which the letter R. was cut, etc. Sworn, 22 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Anthony Needham deposed, 18 : 1 : 1666-7, that he was loading hay for James Smith, and told the latter that he could load it sooner in the marsh. James told him that his son Richard Rowland had a fifth part of Castle hill and had paid 10li. toward the first purchase, etc.

Mary Rowland, aged seventeen years, deposed that she heard her uncle James Smith say that he had a letter from Samuell Aborn, sr., in which he was asked to look out for Samuell Niccols for Richard Rowland had treated with him to buy everything in New England at a reduced rate. That Smith met with said Niccols in Bristol and asked him to drink a pint of wine, etc. Sworn, 22 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Anthony Needom, aged about thirty-six years, deposed that James Smith, deceased, said that Rowland bought a part of Castle hill fifteen or sixteen years ago. Sworn before Wm. Hathorne,\* assistant.

Samuell Rowland, aged about twenty years, deposed that he heard his grandfather James Smith say that his father Richard Rowland was paid by said Smith 40s. per year for the rent of his part. Further before deponent's grandfather sent him to England with his uncle James Smith, etc. Sworn, 7 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Moses Mavericke,\* aged about fifty-five years, deposed that in 1652 he and Mr. Elias Stilman had a talk about buying the latter's land at Castle hill, but did not conclude, and some days after he went to Mr. Stileman with an intention of giving him his price, but he told him that James Smith had the promise of it. Deponent met Smith, who said he would have been glad to have Mavericke as a partner but he and Rowland had already bought it. Sworn, 5 : 2 : 1667, before Wm. Hathorne,\* assistant.

Mary Rouland, aged about seventeen years, deposed that she heard her uncle Samuell Aburne say that her mother had broken a chest, etc. Sworn, 13 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

John Peach, sr., and John Peach, jr., deposed that Rowland demanded of Capt. Smith 20li. in money which he had loaned him, and the latter said he would never pay him unless he could recover by law. Sworn, 14 : 1 : 1666-7, before Wm. Hathorne,\* assistant.

Mary Rowland deposed that she heard Samuell Aborn, sr., call her father base cheating rogue and rascal when Capt. James Smith was gone to sea in the ketch and further said that if he lived to

\* Autograph.

William Beale v. Richard Downing and Mary his wife and Margaret Benett, widow. Battery. Verdict for defendant.\*

see his brother James Smith he would set fire between him and Rowland so that all the men in the land should not quench it, etc. Sworn, 22 : 1 : 1666-7, before Wm. Hathorne,† assistant.

Ellesabeth Brown, aged about fifty years, deposed that she heard Mary Smith of Marbellhead say on her death bed that she gave her bed, bedding, etc., to her son James Smith, also the contents of a chest, clothes, etc., not to be opened until he came, and a new gray hat which was his father's. The chest she gave to Mary Rowland who, as soon as the breath had left her mother's body, took a book of accounts out of her mother's cubbard and made her son Joseph Rowland look it over. Further deponent had heard James Smith in his lifetime say that Richard Rowland had been a cruel wretch to him and his daughter very undutiful and disobedient, and she had seen Mary Rowland carry away a bladder of money which contained a good handsome lump. Mary Smith also told her that Rowland once threw her down upon a rock, and James Smith told her with tears in his eyes that he expected Rowland would cheat his wife out of what he should leave her, etc. Sworn, 22 : 1 : 1666-7, before Wm. Hathorne,† assistant.

Samuell Rowland, aged about twenty years, deposed. Sworn before Wm. Hathorne.†

Samuell Gardner, aged about forty years, deposed. Sworn before Wm. Hathorne.†

Edmund Batter, aged about fifty-eight years, deposed. Sworn before Wm. Hathorne.†

Writ, dated June 17, 1667, signed by Hillyard Veren,† for the court, and served by John Peach,† constable of Marblehead.

Richard Rowland's bill of cost, 11i. 19s. 10d.

\*Frances Gelligin and Mary Stacy deposed that when they went back to Henry Stacey's house to go home, Martha Beale complained of having such a pain in her side that she could hardly get her breath and her eye was red, etc. Sworn, 19 : 9 : 1666, before Major Hawthorn and in court also.

Summons, dated 19 : 4 : 1667, to Richard Downinge and Mary, his wife, signed by Hilliard Veren,† for the court.

Henry Stacy, aged forty-six years, and William Beale, aged about thirty-eight years, deposed that Alexander Gelliginn had some dung left at his old house and agreed with William Beale to carry it away, but they found it in Richard Downing's yard, the latter saying that it belonged to him. They followed the track made by the wheelbarrow and judged that there were about four tumbrells full. Sworn in court.

† Autograph.

Mordecaie Craford and Eadith his wife v. Anthony Ashby.  
Withdrawn.\*

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Frances Gelliginn, aged twenty-three years, and Mary Stacy, aged twenty-two years, deposed that they were passing between Henry Stacies and John Deverix, when Margaret Benit and Mary Downing came with "scragged clubbs" and said they would knock their brains out, etc. Goody Beale told Goody Bennit that she was sorry to see such an ancient woman have such an unsubdued spirit, etc. Copy made, 19 : 9 : 1666, by Wm. Hathorne.†

Mary Parnell, who was Mary Stacy last November, aged twenty-two years, deposed that Frances Gelliginn came to her father, Henry Stacies house, etc. Margaret Bennit beat said Frances with a club with a knot on the end of it, etc. Sworn in court.

\*Writ : Mordecaie Craford and Edith his wife v. Anthony Ashby; for defamation, unjust molestation and false imprisonment; dated June 19, 1667; signed by Hillyard Veren,† for the court; and served by Henry Skerry, jr.,† deputy marshal of Salem, by attachment of the house and land of defendant.

Anthony Ashbey's† bill of costs, 3s.

William Curtis, aged about thirty-seven years, deposed that being at Mr. Asbee's the night that the house which was Goody Craford's was fired, Mr. Asbee said, that she fired it sure enough. Sworn in court.

Charles Hill, aged about twenty years, deposed that Mr. Asbee came to his master Rombald's yard where they were making a cellar, and speaking of Goody Craford, said "that hee would have Her Hanged If ther were no more women In the world for shee was A witch & If shee were nott A witch allreddy shee would bee won & therefore It was as good to Hang her att first as Last." Sworn in court.

Copy of Ipswich court record of Sept. 27, 1666, made 15 : 8 : 1666, by Robert Lord, cleric, and taken from the original left at the Court of Assistants, by Edw. Rawson,† secretary.

Samuell Archard, sr., aged fifty-eight years, deposed that being at Mordecaie Craford's house the next day after the house was burned, he heard the latter and Craford's wife discoursing. Ashby wished her not to finish her house for he said he would provide a warmer house for her and that she had said enough to hang her. Sworn, 6 : 8 : 1666, before Wm. Hathorne, assist. Copy made by Edw. Rawson,† secretary.

William Curtis, aged about thirty-four years, deposed. Sworn, 6 : 8 : 1666, before Wm. Hathorne, assist. Copy made by Edw. Rawson,† secretary.

Thomas Cromwell, aged about forty-two years, deposed that after the house was burned, he heard John Knight, sr., say that

† Autograph.

James Browne v. Cristopher Waler. Special verdict, that if the deed of the house did not cut off the verbal bargain, they found for the plaintiff, if not, for the defendant. Court found for plaintiff.\*

John Godfery v. Abraham Whitticker. Verdict for defendant. ‡

he was at work in the house that day and left some fire there. Sworn by deponent and Anchias Horsman, 6 : 8 : 1666, before Wm. Hathorne, assist., and copy made by Edw. Rawson, ‡ secrecy.

Copy of the indictment given the grand jury by the Court of Assistants: "Edith Craford wife to Mordecai Craford of Salem mariner: you are Indicted by the name of Edith Craford for not having the feare of God before your eyes & being Instigated by the divill did wittingly willingly & feloniously fire the dwelling house lately your husbands in Salem & more lately belonging to & in possession of Capt. Thomas Sauage or Anthony Ashby at or upon the tenth day of September last," etc. Copy of return made by John Allen, for the rest of the grand jury. She pleaded not guilty and said she would be tried by God and the country. Verdict of not guilty returned by Rich. Collecet, for the jury. Copy made by Edw. Rawson, ‡ secrecy.

\*Writ : James Browne v. Christopher Waller; non-performance of agreement in shingling said Browne's house, which he bought of said Waller; dated 20 : 4 : 1667; signed by Hillyard Veren, ‡ for the court; and served by Thomas Rix, ‡ constable of Salem.

James Browne's bill of costs, 1li. 3s. 10d.

Mr. George Emory and Benjamin Felton deposed that they were present when Christopher Waler gave possession of the dwelling house and ground to James Brown, which he sold him, and there was nothing said about shingling the house, etc. Sworn in court.

George Roppes ‡ and John Pickworth ‡ deposed that the shingles on the house were not worth anything and it must be newly shingled at an expense of four pounds, besides nails, etc.

Thomas Tuck, aged fifty-five years, and Mathew Price, aged thirty-seven years, deposed that when Cristover Waller of Salem and James Browne, sr., of Newbery agreed, the former said he would shingle the house if said Browne would provide nails, etc. They further deposed that the price paid for the house was 85li. Sworn in court.

‡Writ: Jno. Godfrey v. Abraham Whitticker; for refusing, being the marshal's deputy, to levy executions against Remington and Yeomans; dated 8 : 4 : 1667; signed by Tho. Bradbury, ‡ for the court; and served by Abraham Drake, ‡ marshal, by attachment of house and land.

‡ Autograph.

John Witt, sr. v. William Croft. Defamation. Verdict for plaintiff. Court did not accept the verdict.\*

Richard Stackhouse v. Osmand Trask. Debt. Withdrawn.

Goodwife Yeomans testified. Sworn, 22 : 4 : 1667, before Simon Bradstreet.†

Edward Cottell, aged about fifty years, deposed that Godfrey hired him to go with him to Whitticker's, etc. Sworn, June 18, 1667, before Samuel Symonds.†

Abraham Whitticker's bill of costs, 18s.

William Simons deposed. Sworn, 22 : 4 : 1667, before Simon Bradstreet.†

James Pecker, aged about forty-four years, deposed that he wrote the bond, etc. Sworn, June 19, 1667, before Samuel Symonds.†

Daniell Beadle deposed. Sworn, 22 : 4 : 1667, before Simon Bradstreet.†

\*Writ: John Witt, sr. v. William Croft; defamation; for his wife's saying that his son John Witt, jr., was a thief, had stolen her cider and drunk it on the Lord's day in time of exercise, and that her husband said he could prove it; dated June 20, 1667; signed by John Fuller,† for the court; and served by Rich. Haven,† constable of Line.

John Witt's bill of cost, 1li. 16s. 6d.

Phillip (his mark) Kartland deposed that Nathanyell Kartland, John Wit, Ephram Hall and Samuell Freal used to come into Mr. Croft's house upon the Lord's day when his master was at meeting, roasting apples and drinking cider. Further John Wit said that if deponent told of it, he would have him whipped at a post, so that he dared not tell Wit's father. Sworn in court.

Sammuel Fralle deposed that he was upon Lin pond in the winter time, when Timmothy Cooper told him that he never saw him drinking at Goodman Crofte's. Sworn in court.

Aquila Ramsdell deposed. Ephraim Hall mentioned. Sworn in court.

Elizabeth Whiting† deposed that as she went with her daughter Hubbard and her maid Elizabeth Barrett to the meeting, she saw the men standing suspiciously at Crofts' house, and she told them that they ought to go to the meeting.

John Ramsdell and Aquilaw Ramsdell, his son, deposed. Sworn in court.

Timothy Cooper† deposed that they were in his master Crofts' house, etc. Sworn, June 10, 1667, before Thomas Marshall,† constable of Lynn.

Timothy Coopar,† aged nineteen years, deposed that he was working in the orchard by order of his master, when Samuell More

† Autograph.

Capt. James Smith v. Richard Rowland. Verdict for plaintiff. The defendant to deliver up the interest of the land within seven days' time.\*

John Godfery v. Henry Salter. Verdict for defendant. Court did not accept the verdict.†

came in on the Lord's day in the time of God's holy worship and gathered damsons and there were other boys outside who called to him to bring them good store, etc. Sworn, June 10, 1667, before Thomas Marshall,‡ constable of Lynn.

Anne Crofts‡ deposed that after she heard that her eider was drunk, she took her maid up into the chamber and asked her who drank it. She cried and knelt down and prayed her to forgive her but told her that when she had made the door fast, Ephram Hall climbed up on a post, opened the casement and called to let him in.

Elizebethe Baraet Ingals‡ testified that as she went with her mistress to the meeting house, the latter bade the young men go to meeting. As soon as her master Whiting had finished his sermon before he went to his last prayer, deponent went to William Crofts' to call for their child, etc. Sworn in court.

\*Capt. James Smith v. Richard Rowland; for a parcel of land owned by plaintiff, and of which Rowland kept possession; dated June 18, 1667; signed by Hillyard Veren,‡ for the court; and served by John Peach, sr.,‡ constable of Marbellhead.

Capt. James Smith's bill of cost, 2li. 11s. 4d.

†Jno. Godfrey v. Henry Salter; for refusing to give him an acquittance according to promise concerning a deed of sale of a parcel of land at Haverhill, which was Edward Clark's land extended by execution by Marshal Drake; dated 11 : 2 : 1667; signed by Tho. Bradbury,‡ for the court; and served by Abraham Drake,‡ marshal of Hampton.

Bond of Henry (his mark) Salter, Edward Mitchelson,‡ surety. Henry Salter's bill of costs, 8s.

Copy of record of Salisbury court of 9 : 2 : 1667, concerning this action, made by Tho. Bradbury,‡ rec.

Edward Clarke deposed concerning the land at Hunting hill. Sworn, 24 : 4 : 1667, before Simon Bradstreet.‡

Steven Kent, sr., deposed that Henry Salter of Charlestowne being at his house at Haverhill and working for him several days, bought the land of Godfrey, deponent writing the deed, etc. Sworn, Mar. 26, 1666, before James Davis and Henry Palmer, commissioners of Haverhill, and at Salisbury court, 9 : 2 : 1667, before Tho. Bradbury,‡ rec. Copy.

‡ Autograph.

Grace Fitt v. Edward Gove. Debt. Verdict for defendant  
Two cases.\*

Abraham Whiticker and Elizabeth, his wife, deposed that Salter followed Godfery from place to place, etc. Sworn at Salisbury court. Copy.

Jeremiah Belcher, aged about fifty-two years, deposed that there being some difference in regard to the land around Haverell, etc. Sworn, June 20, 1667, before Daniel Denison.†

\*Writ, dated May 27, 1667, signed by Robert Lord,† for the court, and served by Abraham Drake,† marshal.

Letter addressed "for his loveing friend Mr Hillyar Verren at his house in Salem these p'sent," from Robert Lord,† enclosing the copies for Capt. Smith and asking that Mr. Verren send him the copies. "I wrote in my sisters case signed vnder your hand by this bearrer John Brewer."

Edward Gove† acknowledged, Nov. 11, 1665, a debt for rent to Grace Fitt, and agreed to give an account of what was made of a cow torn by the wolves. Wit: Robert Lord.† Sworn in court.

Grace (her mark) Fitt, on 19 : 8 : 1666, assigned a bill owed her by Edward Gove to Joseph Stowers. Wit: Robert Lord.†

Joseph Stowers deposed that on May 28, the day after Abram Fitt called at his house and brought a cow from Hampton to Salsbury, Ed. Gove asked deponent to go with him to the landing place to receive some staves. There were 740 hogsheads and barrel staves culled. He gave Gove a receipt for seventeen hundred three quarters of white oak hogshead staves and 340 barrel staves, the wet hindering the culling of them the first day, etc. Sworn, June 18, 1667, before Robt. Pike,† commissioner.

Bond of Edward Gove† of Hampton, dated Apr. 24, 1666, to pay to Grace Fitt of Ipswich 50s. in satisfaction of what was made of a cow torn by the wolves and for repairing house and fences at Salsbury said Gove lately lived in, etc. Wit: John (his mark) Steevens and George (his mark) Martin. Sworn in court.

John Steevens, aged about fifty-six years, deposed that he was a witness to the bill which was to be paid to Stowers, Grace Fitt's tenant, for him to pay workmen to repair the house and that Robert Lord, sr., agreed with deponent's son Nathaniel to do the work, etc. Sworn, June 18, 1667, before Robt. Pike,† commissioner.

Joseph Stower's† receipt, dated May 20, 1667, to Edward Gove of Hampton for the use of Grace Fitt of Ipswich. Wit: Philip Grele† and Thomas Esman.† Sworn by Philip Grely and Thomas Estman, June 21, 1667, before Robert Pike,† commissioner.

Phillip Greely deposed. Sworn, June 18, 1667, before Robt. Pike,† commissioner.

†Autograph.



William Wiseman acknowledged judgment to Mr. Edmond Batter.

Nicholas Vinson was sworn constable of Manchester.

Susana Hollingworth v. Jno. Hutson. Debt. Verdict for defendant.

Mr. Raulph King, attorney to Mr. Jno. Paine v. Edmond Bridges. Debt. Withdrawn.

John Woolcott v. Mr. Phillip Nelson. Debt. Verdict for plaintiff.\*

Grace Fitt's bill of costs, 2li. 4s. 6d.

Robert Lord, aged about sixty-four years, deposed that he went to Salisbury in behalf of his sister Grace Fitt to see if the housing were repaired and because Edward Gove would not pay what he was ordered, he could not have the repairs made. Sworn in court.

Edward Gove's bill of cost, 15s. 6d.

Writ, dated June 1, 1667, signed by Robert Lord, † for the court, and served by Abraham Drake, † marshal.

Thomas Phelbrick, aged forty-two years, deposed that Edmond Gove helped Abraham Fitts drive the cow part of the way to Salisbury, etc. Sworn, June 20, 1667, before Samuell Dalton, † commissioner.

Abraham Fitt deposed that Edward Gove was at Ipswich with his landlady, Grace Fitt, etc. Further that deponent demanded his mother's cow of Gove, etc. Sworn, June 24, 1667, before Daniel Denison. †

Thomas Chas, aged about twenty-three years, deposed. Sworn, June 20, 1667, before Samuell Dalton, † commissioner.

Rachell Partridg, aged about sixteen years, deposed that she lived at Gove's house at Hampton, etc. Sworn, June 20, 1667, before Samuell Dalton, † commissioner.

John Dickason, aged about twenty-two years, deposed that he met Abraham Fit at Salisbury at Goodman Felows, etc. Sworn, June 21, 1667, before Robt. Pike, † commissioner.

Samuell Buswell, aged thirty-eight years, deposed. Sworn, before Robt. Pike, † commissioner.

\*Writ: John Woolcott v. Mr. Phillip Nelson; debt; for non-payment of a bill from Mr. Nelson to William Bolton and Robert Savory, assigned to John Woolcot; dated June 20, 1667; signed by Anthony Somerby, † for the court; and served by Tho. Tenny, † constable of Rowley, by attachment of four swine, an acre of Indain corn, a plow and a chain.

John Willcot's bill of cost, 3li. 10s. 11d.

Anne Willson deposed that she set her hand to a writing at her brother Willson's house, etc. Sworn, June 24, 1667, before Daniel Denison. †

† Autograph.

John Woolcot v. Mr. Phillip Nelson. Non-performance of covenant concerning a parcel of land. Verdict for defendant.\*

William Whittered v. Richd. Brabrooke. Review. Withdrawn.†

Philip Nellson‡ of Rowley, 18 : 4 : 1662, acknowledged a debt to William Boulton and Robert Savery of Newbury, to be paid at the dwelling house of John Willcot in Newbury. Wit: John Woolcot‡ and Anne (her mark) Nellson.

\*Writ: John Woolcott v. Mr. Phillip Nelson; non-performance of a covenant concerning a parcel of land which Nelson sold to plaintiff, lying upon Merrimacke river, which proved not to be his; dated June 20, 1667; signed by Anthony Somerby,‡ for the court; and served by Thomas Tenny,‡ constable of Rowley, who left the bond and summons in Mr. Nelson's window.

Ezekiell Northen, aged about forty-five years, deposed that when they were running the division line from one end of the farm to the other, he heard John Willcot advise Philip Nellson to change sides with him as often as he wished, notwithstanding that Nicholas Wallington had broken up some of the land. The latter following them and hearing what was said, wept for grief. They measured the width and found it forty-five rods, the Newbury line being the north-east bounds, etc. Sworn, June 25, 1667, before Samuel Symonds.‡

Joseph Muzzey, aged about forty years, deposed that in Oct., 1661, he made a deed of the land that John Willcot sold to Nicolas Wallington, which Willcot had lately bought of Philip Nellson. Sworn, June 24, 1667, before Daniel Denison.‡

Philip Nellson's bill of cost, 2li. 18s. 10d.

Copy of deed, dated Oct. 16, 1661, John (his mark) Willcot of Newbury and Mary, his wife, to Nicolas Wallington of Newbury, the half farm he purchased of Philip Nellson of Rowley, etc. Wit: Joseph Muzzey, Trustram Coffin, Robert Longe, John Pike and Hugh Marsh. Acknowledged, Mar. 25, 1662, by John Woolcot. Copy made, June 24, 1667, by Robert Lord.‡

Ezekiell Northen and Anthony Asten, aged about thirty-one years, deposed that being present when Mr. Burr ran the division line between the land that John Willcot had bought of Philip Nellson and land that was then belonging to the brother and sister of Philip Nellson, which was then in the possession of Mr. Dummer, etc. That Nicholas Wallington had built upon the land, etc. Sworn, June 25, 1667, before Samuel Symonds.‡

William Bolton and Robord Savery testified as to the bounds. Bailey's, Brown's, Mr. Samuel Phillop's and Crane meadows mentioned. Sworn, 24 : 7 : 1667, before Wm. Hathorne.‡

John Emmery‡ and John Knight‡ deposed. Sworn in court.

†Writ, dated June 15, 1667, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal.

Mr. Symond Bradstreete v Tho. White. For withholding a brown bay horse.\*

Mr. Symond Bradstreete v. Tho. White. Debt.\*

Mr. Symond Bradstreete v. Tho. White. Breach of covenant.\*

The three foregoing actions were referred to the next Ipswich court.\*

John Goold, chosen ensign of the foot company of Topsfeild, was confirmed.

John Newell and Henry Collins were sworn constables of Lyn.

Benjamin Parmiter had his license renewed for drawing beer in the house.

Court being informed that on the place which the town of Marblehead thought most convenient to erect a fort or battery for their security, they were ready to proceed with the work, it was ordered that Capt. George Corwin view the place and if he find it not inconvenient, to encourage them to build speedily.

William Follin, complained of for abusing the watch in Salem at night and other misdemeanors, was fined or to be set in the stocks. Steephen Hasket promised to pay the fine.

John Tod was allowed costs in an action brought by Anthony Crosby, who did not prosecute.

Administration upon the estate of Mr. Jonathan Browne of Salem, late deceased, was granted to Abiell, the widow, who brought in an inventory amounting to 67li. The estate was insolvent and the creditors were ordered to put in their claims at the next Salem court, notice of which was to be set up at the meeting house in Boston and Salem.

Mr. Oliver Purchas was licensed to sell beer, not exceeding one penny per quart, and cakes to workmen and strangers only.

Elizabeth, widow of Roger Hascall, deceased, presented his will† which was proved upon oath of Thomas Pickton and John Hill and allowed. Said Elizabeth was appointed executrix.

\*Writs, dated 30 : 2 : 1667, signed by Samuel Symonds,‡ for the court, and served by John Clearke,‡ constable of Wenham.

†Will of Roger Haskell, dated May 27, 1667. He bequeathed "to my wife too Cowes the one being at our son in law William dodges & one at home named Coll I likewise doe bequeth & giue to my three youngest sons Roger Josiah & Samuell three other

‡ Autograph.

Joshua Turland acknowledged judgment to John Hill, cooper.

William Edmonds, Mr. John Gidney, Mr. William Browne, jr., and Samuell Ward had their licenses renewed, but not to retail strong waters within doors to townsmen, only to strangers.

Cowes as yong whiteface, velvet & Colley likewise I giue to my daughters hannah & Sarah 2 heifers a Red one named Cherry to hannah & a black one Caled gentle to Sarah I likewise giue to my son marke a yoke of oxen named black & Butter & the horse I had of nehemiah grouer I likewise giue to my son John a lyned ox I likewise giue to my sister Jone a heifer as soone as the Calfe is taken off I likewise giue my son marke my black horse & to Roger my Roaned horse & to my son Josiah & Samuell my too mares likewise I giue to my wife a yearling & to my daughter Elizabeth the Browne yearling & a yearling to my 3 yongest sonns likewise I leaue my sheep to my wife & Children to pt them as they thinke fit I likewise giue to my three yongest sonns all my lands & houses wheare I now liue to be equally diuided when they Come to age out of the same land my will is that they pay to my too daughters hannah & Sarah ten pounds sterling apeice

“I likewise giue to my son marke my Barne Cloase with that medow that Joyne to it out of the which my will is that this my son is to pay to hannah & Sarah ten pound sterling when they come of age I likewise bequeth & giue to my sons John & William forty akers of land a peece behinde the great pond; & likewise that land at drapers pointe Called M<sup>r</sup> Gerfords with the medow my will is that my wife shall haue the one halfe & my 3 sons Roger Josiah & Samuell the other halfe & my meadow at Bunkares to be diuided equally betweene my too sons John & William as likewise my meadow at wenham meadow either of them an equall pportion likewise my will is that my son william dodge shall haue halfe my meadow at the great pond & John & william the other halfe likewise my will is that william dodg shall haue ten ackers of land most Convenient for him neere his now dwelling & my too daughters hannah & sarah twelve acres a peece out of the same land & the Rest of that land to be equally diuided amongst my 3 yongest sons puided that the way may still Remaine out of that land to my now dwelling I likewise giue Roger my steere Called golding & Josiah a steere caled galent my son marke to him I giue what land my father in law John Stone liue vpon after his desease I likewise giue to my wife one Roome which she please & that my wife shall haue the disposing of this my estate till my sons & daughters come to age & upon the same shee is to bring them up in the feare of god & to pvide for them & my desire is that my Brothers william & marke haskell be the ouerseers to see this my will truly pformed. Roger (his mark) Haskall. Wit: Thomas Pickton\* and John Hill.\*

\* Autograph.

Margarett Sandin and Nicholas Merrett, administrators of the estate of Arther Sandin, deceased, brought in an inventory\* amounting to 120li. 9s. 11d., clear estate. Court ordered 20li. to Mary, the wife of said Nicholas, who is the daughter of said Sandin, and the rest of the estate to Margaret, the widow.

Inventory of the estate of Roger Hascall, taken June 11, 1667, by John Rayment,† Hugh Woodbery† and John Dodge,† and allowed 25 : 4 : 1667, at Salem court: Howsing and the land lieing to it in fence, 160li.; 100 Acres of land on the Rocks adjoining, 60li.; 80 Acres of land at Lord's hill, 80li.; 4 Acres of medoe at Buncar's, 16li.; 2 acres of medoe in wenham medoe, 5li.; a parsell of medoe by wenham pownd, 6li.; the barne Close and medoe, 50li.; one halfe of that was Mr. Gafford's, 50li.; neat Cattell, 53li. 18s.; horses, 25li. 5s.; sheepe, 10li.; graine on the ground, 24li.; beedinge, 15li.; wearing Clothes, 14li.; Armes, 6li.; pewter and a warming pane, 2li.; severall particular of howsholld stufe, 7li. 10s.; bookes, 10s.; severall Iron tools, 2li.; severall things and plow gears, 15li. 5s.; swine, 2li. 10s.; gessed 80 bushells of endian Corne, 12li.; total, 616li. 18s.

\*Inventory of the estate of Arter Sanden, taken Apr. 8, 1667, by Moses Mavericke,† George Corwin† and Samuel Ward:† One dwelling house, garden and orchard, outhouses, with a garden plot at the east end of the dwelling house, 85li.; 1 aker of fresh meadow, 15li.; six pound first purchas in this farm, we value it at 12li.; 1 bed and furniter in the parlor, bedsted, 1 fether bed, bolster & 2 pillows, 1 matt and straw bed, 1 rugg, 2 blankets, 11li.; 1 Cows Comanedg and half, 3li.; 1 table, 3 joint stools, 16s.; 4 krtians, 8s.; 1 Carpett, 13s.; 4 pair of shetts, 5li.; 1 shett, 1li.; 1 table Cloth, 15s.; 6 pelobers, 1li. 15s.; 1 old shett, 7s. 6d.; 6 napkins, 9s.; 1 table Cloth and 1 towell, 7s.; 1 old Chest, 5s.; 1 old loking glas, 3s.; 1 Chest, 8s.; 1 eathen bason, 1 Earthen dish & 2 glases, 4s.; 1 old flock bed and bolster in the midle rom and 1 matt, 1li. 2s.; 1 blankett and Covered, 1li. 10s.; 2 fether pillows and pillowbers, 1li.; 1 table and 2 stols, 10s.; 2 Chaires, 7s. 6d.; 1 old boks, 8d.; 1 warming pan, 7s.; waring cloths, 8li. 12s.; in the middle rom, 5 Shets and 1 table Cloth, 3li. 10s.; 2 Chests, 7s.; books, 1li.; Cask and other lumber in the seller, 1li.; in the keching, 1 silver wine Cupp, 14s.; 5 pewter dishes, 2li.; 5 porengers, 5s.; 4 plats, 6s.; 2 basons, 7s.; 4 Candelsticks, 16s.; 2 salt sillers, 2s. 6d.; 1 funill, 9d.; 5 pewter poots, 15s.; 2 pint potts, 5s.; 2 small pots & 6 Small Cups, 8s.; 1 bear bowl, 1 beaker, 1 pint pot, 4s. 6d.; 1 Chamber pot, 2s.; 1 pestle and mortar, 12s.; 2 Iron poots, 1 Iron Skellitt, 2li.; 2 haks, 2 pair poothoks, 1 fir shovel, 13s.; 1 bras poot, 1 bras skillett, 10s.; 3 bras ketls, 3li.; 1 pair bras skalls, 3s.; 2 dripping pans and 1 dish, 3s.; 1 tray, 2 gratters, 1s. 6d.; 1 pair bellows, 6d.; 1 old Chest, 2s. 6d.; 1 Cuberd, 10s.; old Iron, 6s.;

† Autograph.

Daniell Gresier gave bond to the treasurer of the county that he would on or before the last day of the week at night remove himself and family from the place where he then lived and never to come within ten miles of the place. Further to appear at the next Ipswich court to be examined concerning the misdemeanors he was charged with and to be of good behavior toward all, especially toward Edward Colborne and family. Expenses at Mr. Gidneyes, 3s. 6d.\*

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2 Chairs, 1 stoll, 2s.; in the leantoe Chamber, in lumber, 2s.; Earthen ware, 4s.; 1 small keller and 2 bbls., 7s.; 1 Churn, 3s.; in the brew hous, 1 firnas, 5li.; tubs and sive, 14s.; 1 laser and grinston, 3s. 6d.; old Cask in the Cow house, 1li. 3s.; in the Chamber, 1 bedsted, 10s.; 1 flok bed and bolster, 1li. 10s.; 1 matt, 5s.; 2 old ruggs and 2 blankits, 1li. 2s.; 1 old straw bed and saks, 5s.; in old Cask and other lumber, 10s.; 2 sives, 4s.; 1 Cow, 4li. 10s.; 1 saw, 1li.; 1-2 a Skiff, 1li.; 1 sarvant boy for his time to Come, 5li.; 1 yearling, 1li.; more in depts, 51li. 1s. 11d.; total, 248li. 13s. 2d. Debts owing, 120li. 9s. 11d.

\*Edward Colborne's bill of cost, 1li. 10s. 6d.

John Morrill, aged about thirty-five years, deposed that he heard Daniell Gresier say that he would make Edward Colborne suffer for his labor, and the latter said he could not do it unless he burned his house or destroyed his cattle. Sworn, 26 : 4 : 1667, before Simon Bradstreet.†

Alexander Tompson, aged about forty years, and John Coburne, aged about twenty-one years, deposed that they were in Edward Coburne's ten acre corn field, and found that the Indian corn had been pulled up, it seemed by men's hands or hoes. Further that Grasier and wife said that they would be revenged for a cow that had been taken away, and she told her husband to shut up the hogs and not let them go out until they were yoked, and that the hogs could not get into the corn field, also that Grasier and wife Nel and her son were not at meeting, etc. Sworn, June 24, 1667, before Daniel Denison.†

John Clarke, aged about forty-five years, deposed that Daniel Grasier said that he must do Coburne some scurvey trick to pay him for what he had done about the lease. Deponent said he must not revenge himself that way, but he said it would do Coburne good for he would repent and God would forgive him, and he felt called upon to do it for good people's sake and to be true to the country, etc. Sworn June 24, 1667, before Daniel Denison.†

Ann Haget and Deliverane Tomson deposed that they heard Kate Greene say that Coburn had done them wrong, etc. Sworn, June 25, 1667, before Daniel Denison.†

Daniell Black deposed that when at work for John Merrill, etc. Sworn, 26 : 4 : 1667, before Simon Bradstreet.†

† Autograph.

William Nicholls was dismissed from common training, paying 5s. yearly to the use of the company of Topsfield.

Mr. John Ruck had his license renewed.

Mr. Lattamore and Mr. Tho. Gardner had their licenses renewed, but were not to draw strong waters to townsmen, to be drunk indoors but only to strangers.

William Steevens, complained of for speaking disloyal words against "his majesty, our Soueraigne Lord & King Charles the second," and confessing, was ordered to be disfranchised and not eligible to office during the court's pleasure, or to be fined, and to be imprisoned for one month.\*

Sander Seeres dying intestate, Mary, the widow, was granted administration upon the estate, and an inventory† amounting to 61li. 18s. 6d. was presented. She was ordered to pay to the children as follows, to Robert Seers, 12li. and to Allexander, 6li., and the rest of the estate to the widow.

\*Warrant, dated June 21, 1667, upon complaint of Clement Coldan, for Mr. Stevens, sr., of Glocester, ship carpenter, who "hath uttered diuerse seditious & dangerous speeches of a very high nature against the crowne & dignity of our Sovereigne Lord King Charles the Second," signed by Daniel Denison,‡ for the court, and served by Will. Sargant,‡ deputy constable of Glocester.

Thomas Riggs, aged about thirty-two years, deposed that the last Monday in May, 1667, he heard Mr. William Stevens say that he did renounce the government of this patent so far as it concerned Charls Steward and that he cared nor more for him than any other man. Sworn in court.

Thomas Millett, aged about thirty-four years, deposed that he heard said Stevens say that he refused to hold any office in this colony, etc. Sworn in court.

Anthony Day, aged about forty-three years, deposed. Sworn in court.

Mr. Steevens owned the foregoing testimony and disowned the jurisdiction of this court over him.

Clement Coldum, aged about forty years, deposed Stevens said he abhorred the name of Charls Steward as a king. Sworn in court.

Mr. Stevens' bill of cost, 1li. 10s.

Summons, dated June 21, 1667, for witnesses, Clement Coldam, Anthony Day, Thomas Militt, jr., and Thomas Riggs, signed by Daniel Denison, for the court, and served by William Sargant,‡ deputy constable of Glocester.

†Inventory of the estate of Allexander Seeres, taken June 7, 1667, by Hillyard Veren‡ and Tho. Rootes:‡ One new dwelling

‡ Autograph.

Mary, widow of Robert Lemon, presented the will\* of her late husband, and it was proved on oath of Richard Moore and allowed. Said Mary was appointed administratrix and an inventory† amounting to 231li. 15s. was allowed.

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house not finished with 2 thirds of halfe an acre of ground next the water side, 80li.; an old dwelling house & cow house with one 3d pt. of halfe an acre of ground, 20li.; in the hale, one feather bead, bolster, pillowes, blankets, rug, Curtains & valens, bedsteed, 9li.; on old sid eubert, Cushion & cloat, 1li. 10s.; a little square table, 6s., a great stoole or table, 3s., 9s.; a cradle, 5s., 2 boxes, 4s., 4 old chaires, 4s., 13s.; a looking glass, 10s.; a warming pan, 6s., 16s.; in ye chamber, one old feather bead, bolster, pillowes, 2 blanketts, 4li.; a little silck grass truckle bed bolster, blanket, 1li. 10s.; one wenscot chest, an old sea chest, a box, Cubbord, 1li. 5s.; 3 pr. worne sheets & 2 pr. & one very old, 2li. 10s.; 2 table cloathes & a little old one, 14s.; 9 worne napkins & 9 old towells, 16s.; 4 pr. pillowbeers, 18s.; 3 printed curtains & vallens, 10s.; 2 hamakers, 1li.; 1 pr. branched curtaines & vallens, 1li. 10s.; one old breeches & doblet & pillion cloath, 1li. 4s.; pewter, 46s., latten ware, 5s., ehafin dish, brass, 2li. 3s. 6d.; earth ware, 2s. 6d.; 2 smale brass kettles & one biger & 2 skilletts, 1li. 10s.; 2 Iron potts, & ketele, 1 pr. of Andiernes & 3 pr. pot hooekes, 1li. 2s.; old tubbs & other lumber, 5s.; a silver dram cup, 4s., freing pan, 2s.; total, 133li. 14s. Estate is Dr. to Mr. Samll. Shrimpton, 16li. 14s. 9d.; Hen. Kimball, 35li.; Nathaniell Howard, 4li.; Goodman Rumboll, 3li.; Goodman Potter, 1li. 10s.; Mr. Chaplin, 6li. 17s.; Goodman Reeves, 2li.; Mr. Cromwell, 2li. 13s. 9d.; total, 71li. 15s. 6d.

\*Will of Robart Lemmon, dated Aug. 2, 1665, and proved by Richard More. He bequeathed "to hes wofe so long as she remayn a widow the estat to pay that which is to be payd to thomas Sallos fiftene pound to Robard Sallos seune pond tenn silnes to mary Salloes seune pound tenn silnes to my dafter seers I gif hafe a Crowne to my dafter Sary twenty pound to my dafer hanna twenty pound to he that do marry with my dafter matthe on silene to bengemen lemmon thre pound and my *and myse* Chest and my se enstrimnts if my wife doe mary agayn then to pay that *that* is to be payd and then to share with Sary lemmon and hannah lemmon that is left a third part apeece." Wit: Richard More‡ and Robart Westgate.‡ This writing was presented as the will of deceased and Richard Moore made oath that Robert Lemon declared it so to be and signed it, and having made no other since, it was allowed. Memorandum: Mare Seres, 2s. 6d.; Sarah Lemon, 20li.; Anna Lemon, 20li.; Barthmew Galle, 1s.

†Inventory of the estate of Robert Lemon, taken 3 : 2 : 1667, by Hillyard Veren‡ and Tho. Rootes.‡ A dwelling house with out-

‡ Autograph.



Tho. Read dying intestate, Mary, his widow, brought in an inventory\* amounting to 70li. 7s., clear estate. She was appointed administratrix and was ordered to pay to the eleven children at age or marriage, 20s., the eldest to have 40s. She was not to make sale of any of the houses or land without advice of court or the selectmen of Salem, and when she died the estate left was to be equally divided.

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houses & about one acre of ground adjoining, including ye orchard & garden, 90li.; one acre of salt marsh & one halfe acre, 4li.; ten acres of land on Cape An side, 12li.; 30 acres of land neere manchester, 10li.; an old Cow, 3li. 10s.; 5 sheep & 3 lambs, 3li.; to piggs, 1li.; in ye parler, a feather bead, bolsters, pillows with beers, blanketts, Rugg, with curtins & vallens & beadsteed, 12li.; a sid Cubbord with cloath & cushing, 1li. 6s.; a table & 4 stooles, 1li.; a chest, a little box, 2 old broken cases & 2 old chairs, 1li.; smale And Irons, tongues, fire pan & hake, 1li. 1s. 6d.; an old warming pan, 5s.; in ye parler chamber, one feather bead, bolster, blanketts, Rugg, old curtaines & bedsteed, 7li. 10s.; a trundle bead, with bolster & pillow of feathers, all a covering blanket, bedsteed, &c., 5li.; a plaine chest, 7s.; a new covering. 32s.; a new blanket, 13s.; an old Rug & blanket, 25s.; 4 yds. Carse, 7s., black cloth, 2li. 11s. 6d.; 4 remnants canvas, 10 yds., 16s.; in the kitchin chamber, an old fether bead, bolster, blanketts, sheet, Rugg, old curtaines, vallens & bedsteed, 7li. 10s.; 2 trunkes & 4 old plaine chests & box, 1li. 14s.; ten bushells wheat less a peck, 2li. 10d.; 3 bushells of ry, 12s.; 12 bushells Indian, 2li. 8s.; 1 Bushell of pease, 4s.; his wearing apparrell, a cloak, brodeloth, 2li. 10s.; 2 coats & breeches cloath, 2li. 5s.; breeches & drawers, 10s.; an old coat, 10s.; old wascots & breches, 20s.; 2 hatts, 20s.; stocking & 1 pr. gloves & caps, 1li. 12s.; a covering, 6s.; 7 pr. sheets, 6li.; 1 doz 1-2 napkins worne, 12s.; 7 pr. pillowbeers, 10s. 6d.; 11 towells, 11s.; 3 board cloathes, 3s.; 5 pr. course linen drawers worne, 12s. 6d.; 6 shirts, 30s., 2 caps, 12 Hankercheers, 2 neclotthes, 4 bands, 2li. 6s.; 5 ps. Holland, 4s. p yd., 3 yds. Kentin, 3s. pr. yd., 1li. 9s.; a case, 30d.; cash, 15li. 3s.; 2 dram cups & spoons silver, 1li.; in pewter, 4li. 10s. 6d.; a table & cubbord, 18s.; 8 old chaires, 8s.; 6 Cushions, 9s.; 4 guns & a sword, 2li. 10s.; 2 smale pr. stilliards, 16s.; white earth ware & glasses with a voyder & Jugg, 10s.; a box, Iron chafin dish & mortar, 10s.; 1 pr. Andierns, hakes, tongs & spits, 1li. 4s.; pots & hooeks, friing pan, 2 Iron skilletts & old skelletts, 1li.; bookes, 10s.; brass kettells, 1li. 12s.; old barrell, tubbs & lumber, 10s.; flock bead & fether bolster & blankett, 1li. 10s.; a pr. billowes, wegges & old tools, & axes, 1li.; 3 hhds. tobacco, 9li.; Debts due to ye estate, 6li.; total, 231li. 15s. Debtor to severall men, 7li. 10s.; deduct for corne spent, 2li. 2s.

\*Inventory of the estate of Thomas Reede, taken Apr. 5, 1667,

George Samon was dismissed from common training, paying one bushel of Indian corn yearly to the use of the company of Salem.

Court advised that there be a military watch kept at Marblehead.

Gartrid Pope, presented for not frequenting the public worship of God on the Lord's days, and pleading not guilty, was upon her request tried by a jury. Verdict of guilty and fine of 40s. imposed.

Wife of Robert Wilson, wife of Anthony Needham, wife of Robert Stone, wife of Samuell Gaskin and the wife of John Smith, for absence from the public ordinances, were fined or to be whipped. Security was given and they were dismissed.

Wife of George Deane was convicted for not frequenting the public ordinances.

Alister Greime, who was bound over to this court by Major Wm. Hathorne, upon suspicion of fornication with Sara Lambert, was ordered to appear at the next Salem court.

Court advised Mr. Edmond Batter, administrator of the estate of John Humfryes, Esq., to pay a debt due from Joseph Humfryes to John Lake of Boston.

Court ordered the county treasurer to pay for a barrel of beer used at Marblehead by the laborers about the fort.

Court appointed Worshipfull Major Wm. Hathorne to examine bills brought into court by last year's constable of Salem, and determine what part the county should pay.

The will\* and inventory of Joseph Pope was brought into court by Gartred his wife and allowed, and said Gartred was appointed administratrix.

by John (his mark) Neale and Edmond Batter:† One hows & 35 1-2 Acres of ground & 3-4 an acre of Sallt marsh, 50li.; 2 Cowse, 8li.; 1 horse & mare Collt, 6li.; 2 oxen, 11li.; 1 heifer, 2li.; 3 swine, 2li. 6s. 8d.; Beding & Bedsted, 2li. 10s.; Aparrell, 10s.; Flaxe, 10s.; 2 chests, 10s.; 1 paile & other Lumber, 10s.; Iron pott & skillitts, 10s.; pewter & warming pann, 16s.; Iron tooles & old Iron & plow Irons, 11s.; Combe to dry hemp, 5s.; sled, 4s.; an old frame not sett up, 10s.; 1 Callf, 5s.; 1 Cart & Boxes, 10s.; total, 87li. 7s. Debts due out of the estate, 17li. Children by the first wife 3 sons & 1 daughter; second wife, 7 Children, 2 sons, one about 20 years and the other 4 years, and daughters, aged 14, 17, 12, 10 and 1 1-2 years.

\*Will of Joseph Pope of Salem, dated Sept. 11, 1666, was proved upon oath of Lieft. George Gardner: "I doe appoynt my Loving

† Autograph.

Henry Renolds, constable of Salem, was allowed for one hughency and for whipping four persons, also for apprehending some Indians, 16s. 3d. Ordered that Mr. John Lane pay him 15d. for sending a hughency for his servant.

Samuell Ward of Marblehead, chosen Leift. of the foot company there, was confirmed.

The town of Salem, presented for defect of a bridge over Forest river, was ordered with Marblehead to bear each its proportion of maintenance and to repair the bridge sufficiently for horse and foot to pass safely, with rails on either side, within one month on penalty of 5li. Salem was to pay the witnesses, Tho. Pitman and Good. Silsby.

James Freind and John Greene, presented for breach of the peace, were fined.

Fined by Major Hathorne:—

On 10 : mo : 1666, Humfry Coomes, for breach of the peace.

On 4 : 12 : 1666, Allexander Fowles, fined or to be whipped for running away from his master Vinsent Stilson.

wife Gartrude Pope to be Executrix of this my Last will and testament. It<sup>m</sup> I Giue vnto my two Eldest sonn Joseph and Beniamen pope: all that Land and medo which I bought of good-man Fareington of Linne to them and there heirs foreuer: thay to Inioy the said Land when thay Com to age It<sup>m</sup> I giue unto the aboue said Joseph and Beniamen pope the House in which I now dwell together with the Land or farme on which it standeth with all the apurtainances ther to belonging to them and to ther heirs foreuer thay to Inioy the same after ther mothers deceas: prouided and it is my will that thay shall pay to my two yongest sonn Enos and Samuell pope twenty pounds a peece within two years after thay shall Inioy the same the house and Land abouesaid to stand as security for the payment of the said Legase to my two yonger sonn It<sup>m</sup> I giue unto my two youngest sonn Enos and Samuell pope tenn pounds a peece to be payde when thay Cum to age It<sup>m</sup> I giue unto my Daughter Damaris Bufum tenne pounds besids what shee haue alrely had to hir and to her heirs It<sup>m</sup> I giue unto my Dafter Hanah pope twenty pounds to hir and to hir heirs the rest of my estate I doe giue to my wife during hir Life and to be disposed of by hir will at hir decease prouided it be to my Children Itm I doe desier my brothers George and Richard and Joseph Gardner and ens Samuell Shatok the elder to be ouerseers of this my Last will & testament. Joseph (his mark) Pope.\* Wit: Joseph Gardner.\*

\* Autograph.

On 12 : 2 : 1667, George Emory, for drunkenness, and John Mason for swearing.

On 10 : 4 : 1667, Robert Funell, for breach of the peace.

On 5 : 4 : 1667, Thomas Pigden, for distemper in drink.

Servants of Mr. Gedneyes house were allowed 7s. and Mr. John Browne's maid, 18d.

COURT HELD AT IPSWICH, SEPT. 24, 1667.

Judges: Mr. Symon Bradstreet, Mr. Samuell Symonds, Major Genrll. Denison and Major Wm. Hathorne.

Grand jury: Mr. Rich. Hubbard, Tho. Knowlton, Tho. Low, Wm. Fellows, Dan. Warner, Hen. Archer, John Emery, John Bayley, Rich. Bartlett, Robt. Hasselltime, Wm. Tennyne, James Barker, Jo. Redington and John Frye.

Jury of trials: Leift. Sam. Appleton, Mr. Ezekieil Rogers, John Whipple, Tho. Harte, Jo. Newmarsh, Wm. Ilsye, Wm. Morse, Wm. Titcom, James Bayley, John Person, Sam. Platts and John French.

Will of Joseph Mettcalfe of Ipswich, aged about sixty years, dated June 3, 1665, proved Sept. 26, 1665. He appointed his wife Elizabeth Metcalfe, executrix, and left his estate to her during her life. At her death his grandson Joseph Metcalfe was to have the house and land, and to pay to his sister, Mary Mettcalfe, 10li. To grandchild, Elizabeth Mettcalfe, the live stock his wife should leave; to wife, the household goods. Son Thomas and William Goodhue, overseers. Wit: John Perkins and Jacob Perkins.

Inventory of the estate of Joseph Mettcalfe of Ipswich, taken Sept. 22, 1665, by William Goodhue and Robert Lord, and allowed, Sept. 26, 1665, at Ipswich court: House, barn, etc., 300li.; domestic animals; apples, and grain; beds and bedding; wearing apparel, old carpet, pewter, brass, glass, tools, wool, books, two swords, household utensils, saddle, etc.; total, 408li. 13s.

Mr. Anthony Crosbie v. John Tod. Breach of bond of arbitration. Verdict for defendant. Appealed to next Court of Assistants. Mr. Anthony Crosbie and Mr. Jonathan Wade bound.\*

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\*Writ, dated July 1, 1667, signed by Tho. Leaver,† for the court, and served by Robert Lord,† marshal of Ipswich.

†Autograph.

Mr. Moses Maverick, John Peach, sr., Jo. Peach, jr., and Richard Rowland v. John Buttry. Nonsuited. Afterward entered and verdict for plaintiff.\*

Jo. Tod's bill of costs, 11i. 9s., and Mr. Crosbie's, 11i. 15s. 2d.

Copy of execution, dated Sept. 21, 1666, signed by Edward Rawson, secretary, and returned by Robert Lord, deputy marshal for Edward Mitchelson, marshal general.

Nicolas Browne deposed that when at his house he heard Mr. Crosbie demand of John Tod the deeds according to arbitration, etc. Sworn in court.

Richard Longhorne, aged about forty-nine years, and Daniell Wickam deposed that Tod refused to give the deed to Crosbie, etc. Sworn in court.

Copy of execution, dated Sept. 27, 1666, signed by Robert Lord, for the court, and served by Robert Lord, marshal. John Tod chose Richard Holmes, and the marshal chose John Palmer, who valued the land at 183li. 15s. Joseph Horsly's and Mr. Sands' lots mentioned

Plea of Anthony Crosbie.

\*Moses Mavericke, John Peach, sr., John Peach, jr., and Richard Rowland v. John Buttery; agreement concerning fence to be made by defendant; dated July 16, 1667; signed by Moses Mavericke, † for the court; and served by Jonas Eaton, constable of Redding, by attachment of house and land of defendant.

Moses Mavericke and Richard Rowland deposed that in the case between the owners of the farm at Marblehead and John Buttery, they met at said Mavericke's house, and he did not deny that he was guilty of breach of covenant. He promised to finish the work, yet he left it and went to Boston. They followed him, but he went out of the patent. He had received 15li. more than his work amounted to, etc. Sworn in court.

Agreement, dated Jan. 28, 1664, between Moses Mavericke ‡ of Marblehead, John Peach, sr., ‡ John Peach, jr., ‡ with Richard (his mark) Roulland and the rest of the purchasers of a farm bought by them which was Mr. Humpheries and John Buttery ‡ of Reden, husbandman; the latter, by the last of June next, was to set up a fence of posts and rails, three rails in height five feet above the ground and the posts to be ten feet apart, the rails to be well spliced and fastened in the posts; the fence was to extend from the south side on the seashore that divides Mr. King's farm from this farm, to Forest river, about 400 poles, at 14d. per pole, to be paid one-third in money and two-thirds in goods, etc. Wit: John Delacy †, John Northey † and Willm. Pitt, † the paper being given in to the hands of the latter to keep. The other partners affixed their signatures also, William (his mark) Charells, William

† Autograph.

‡ Autograph and seal.

John Clarke v. Alexander Tompson and his wife. Slander. Verdict for plaintiff.\*

Richard Jacob v. John Traske. Non-payment for fourteen months' diet. Defaulted.

Nicolas Wallington v. John Woolcott. For not making good a parcel of land. Nonsuited. Afterward entered, and verdict for defendant.†

Clement Coldam v. John Pearse and Elizabeth, his wife, Slander. Verdict for plaintiff. Appealed to next Court of Assistants. John Pearce and Wm. Sergent bound.

(his mark) Bartoll, Nicolas (his mark) Mariott, John (his mark) Waldron, John Gatchell,† Erasomus James‡ and Henrie (his mark) Stacie. It was later agreed that the fence should not be of posts and rails, but a ditch four feet wide and three deep, and two and a half feet in the bottom; also where it was so rocky that there could not be a ditch made, Buttery was to make a stone wall four and a half feet high or posts and rails, the ditch to cost 22 1-2d. per pole, and said Buttery not to do any other man's work till this be finished.

Maverick's bill of costs, 1li. 11s. 2d.

\*Complaint, dated Aug. 17, 1667, of Alexander Tomson and wife Deliverans against John Clerke of Wenham: She said that on July 18, Clerke came into her house with her husband to light their pipes of tobacco, and after her husband had gone to reaping, Clerke smoked awhile and going to the end of the house called to her husband to come in and smoke. He answered that he would when they had carried another end. Clerke came back and tried to kiss her, but having her child in her arms, the child cried out, etc. This complaint was heard by Mr. Samuel Symonds.

On Aug. 20, 1667, John Clerke, upon further like testimony of Hanna Welsh, was bound to good behavior, said Tomson was bound to prosecute and Hanna Welsh and Henry Haggett were to appear as witnesses.

Daniell Davison deposed. Sworn, Sept. 17, 1667, before Samuel Symonds.‡

Robert Colbourne, aged about sixty years, deposed that Clearke asked Tomson's wife why she raised such false reports of him, etc. Sworn in court.

†Warranty deed, dated Oct. 16, 1661, John Woolcot‡ and Mary (her mark) Woolcot, his wife, of Newburry, to Nicholas Wallington of Newburey, half the farm purchased of Mr. Phillip Nelson of Rowley, etc. Wit: Joseph Muzzey,‡ Tristram Coffin,‡ Robert Long,‡ John Pike‡ and George March.‡ Acknowledged in Ipswich court, Mar. 25, 1662, and recorded in folio 72 of records by Robert Lord,‡ rec.

‡ Autograph.

Frances Wainwright v. Thomas Sevy. Forfeiture of a bond. Verdict for plaintiff.\*

John Kent v. John Bishop. For refusing to give an account. Verdict for defendant.†

Mr. Edmond Batter, in an action of appeal from a judgment of Major Wm. Hathorne, withdrew his action and all parties left it to the advice of the court.‡

\*Bond, dated Dec. 12, 1665, Thomas (his mark) Sevy§ of the Isles of Shoals to Francis Wainwright of Ipswich, for 272li. 10s., to be paid in cod fish at the Isles of Shoals. Wit: Christopher (his mark) Joss and Jno. Wainwright.§ Sworn by the first witness, Sept. 23, 1667, and by the latter witness, Oct. 9, 1666, before Daniel Denison.§

Fr. Wainwright's§ receipt, dated 12:5:1667, for 23 quintals of cod fish at 30 ryals pr. quintal and 5 quintals of "dumbe fish" at 12s. per quintal.

†Writ: John Kent v. John Bishop; for refusing to give a just account of his father's estate, being one of the overseers; no date or signature; served by John Webster,§ constable of Newbury.

‡Wm. Hathorne held court at Mr. Geedne's, 8:5:1667, and Mr. Batter appeared before him.

Copy of warrant, dated 6:5:1667, addressed to Thomas Rex, constable of Salem, or Edw. Humber, for Mr. Edm. Batter's appearance to answer for hindering the workmen from carrying the guns to the fort about 25:4 mo., and telling them not to move them without orders from the selectmen, signed by Wm. Hathorne, assistant, and returned by Edw. Humber.

John Geedney, jr., deposed that on the first day of the court being by the great guns in company with Capt. Corwin, he saw Batter discoursing in private with said Corwin, and later asked Corwin why he would carry away the guns without the knowledge of the selectmen, and told the workmen who were to transport them that it would not be safe to meddle with them. Capt. Corwin then asked deponent, Edw. Flynt and others to witness that he hindered them in carrying the guns to the fort. Sworn, 3:5:1665, before Wm. Hathorne,§ assistant.

Nath. and Samll. Pitman deposed that they were to help down with the great guns to the fort, one of the guns being already in the chain fastened to the draught, when Mr. Batter said to the carters and others there, etc. Sworn also by Joseph Phippine, 3:5:1667, before Wm. Hathorne,§ assistant.

George Corwin, aged about fifty-six years, deposed that he had orders from the Major-General and the militia committee of Salem,

§Autograph.

and had provided a team or two, when Mr. Batter twitched him by the arm and said he would never pay a penny for the charge if the guns were moved without the selectmen's consent, "upon w<sup>ch</sup> I turned myselfe from him, went to y<sup>e</sup> Company . . . & so turning myselfe about went away only promising John Pickering, & Edward Flynt I would see them satisfied for ther teemes." Sworn, 8 : 5 : 1667, before Wm. Hathorne,\* assistant.

John Pickering and Edw. Flynt, aged about twenty-nine years, deposed that as they began to move the oxen, the axle-tree canted out of the notches of the carriages, being not fastened, so that they were faine to suddenly stop the oxen for fear of drawing the gun and carriage off the wheels. Then they told Capt. Corwin that the guns were not fit to be carried as they were, but they could take them out of the carriages and draw them with a chain. He said no, for that would make double labor, but they would wait until the next day after tomorrow because he heard the way over the gut was worn so narrow that they could not go over, but it should be mended tomorrow. Then they decided to wait and Mr. Batter came, etc. Sworn, 8 : 5 : 1667, before Wm. Hathorne,\* assistant.

Mr. Edm. Batter was fined, and he appealed. Samuells Williams, surety. Edm. Batter's\* reasons of appeal dated 16 : 7 : 1667, which were left at Mr. Hathorne's house.

Answer to Mr. Batter's reasons of appeal, signed by Walter Price,\* in the name of the committee of militia in Salem; that he did stop the work; that ignorance of the law excuses no man; that he is mistaken in saying that the guns had been in the hands of selectmen for thirty-two years, for they had power only to supply necessities and make repairs, while the guns were really in the custody of the committee of militia in the town; that Major Hathorne had often told him that the guns were the country's and about eighteen years since the General Court tried to take them away but the two deputies held them for the town, claiming that they should shortly be fitted for the defence of the country; that Major Genll. Leverett received no accusation against Batter but only a letter showing how things were seditiously transacted in the town, a seeming conspiracy to hinder the defence of the town when news was brought of the great loss of the English in Virginia, for the Maj.-Gen. had charge of the fort and the ordering of all the great guns in this colony and he had ordered Capt. Corwin to move the guns; that, if Maj. Hathorne was not a competent judge, it was known that he would have remitted the action, but Batter was of so high a spirit that he scorned to appear when he asked him to; that Capt. Price and not Capt. Corwin was sent for him; that "not long since at a meeting of the selectmen when an order was passed, that Cap<sup>t</sup> Corwine should be desired to carry away the guns unto the fort, Edmund Batter and Nathaniell Putman

\* Autograph.



Job Swinerton v. Jacob Knights. Non-performance of a bargain. Verdict for plaintiff, the building of the chimneys, according to agreement in June, within six weeks.

Wm. Whittred v. Wm. Story. Slander. Verdict for plaintiff.

Wm. Story v. Wm. Whittred. Slander. Verdict for plaintiff.\*

desired, it might be recorded, that they consent not; . . . who is the selectman, Nathaniell Putman tooke counsell withall; and who is the person that dissuaded the building of the fort, and putt many scruples into mens minds about itt, thereby to hinder the worke, and to weaken the hands of those that were employed in itt; whereas nothing could haue beene more orderly carried on; for his Majestye first required fortifications in this Country, the Genrll. Court then att Boston impowrd Cap<sup>t</sup> Corwine about itt with advice of Major Gen<sup>l</sup> Leverett, who likewise ordered itt, and Cap<sup>t</sup> Corwine acquainted the Towne with it, who voted it should be done, and the way and manner of itt; and yett this not sufficient to satisfye one man: now likewise itt appeares, who hath hindred all things for the good of the Towne, wherein himselfe is not in the first place; in a word, he it is, who is the occasion of all the troubles and divisions which haue beene in the towne of Salem, and yett would seeme to be the only greived person" . . . He "would lay the blame of these precedentiall cases (as he termes them), upon military officers being over-impowered whereas the true cause is in himselfe; For had he beene chosen Captaine, when Cap<sup>t</sup> Price was elected, all had beene well, and the Committee of militia in all things acted to his satisfaction: Butt he being well knowne unto this hon<sup>rd</sup> Court, It is to be hoped, that you<sup>r</sup> hon<sup>rs</sup> will take his case into Consideration, and something humor his Ambition, for if he were made Captaine of some remote village in this Country, he would (Caesarlike) count himselfe happier therein, than to be the second men in Salem."

Copy of the record of a Salem town meeting, July 26, 1667, giving authority to Capt. Corwin to have the guns moved, signed by Walter Price.†

John Floyd, aged about thirty years, deposed that having occasion to be in Salem with a team, as he passed by the great guns that were standing in the street near Mr. Batters, he saw Edward Flynt come with oxen to carry guns to Winter Island or fort, etc. Sworn, 23 : 7 : 1667, before Jno. Leverett,† assistant. Thomas Marshall, jr., made oath to the same before Wm. Hathorne,† assistant.

The court advised them to forget their differences and to study peace and unity, love and concord.

\*Writ, dated Sept. 18, 1667, signed by Robert Lord,† for the court, and served by Robert Lord,† marshal of Ipswich.

† Autograph.

Edward Harraden v. James Steevens and Anthony Day. Verdict for plaintiff.\*

Wm. Thomas v. John Kent. For detaining sturgeon. Withdrawn.†

Tho. Chandlour v. Job Tyler. Debt. Plaintiff made oath that he left a summons at the house of John Alldridge, where defendant had lived seven weeks. Verdict for plaintiff.‡

\*William Hascall, jr., deposed that the constable's deputy of Cape Ann came to him when at work and charged him with his black staff to assist him in his Majesty's name. They went to Goodman Harridine's dock where there were two loads of hay on canoes. Then James Steevens and Anthony Day, the deputy, carried away the hay, etc. Sworn in court.

William Linkhorne deposed. Sworn in court.

Clemant Couldum deposed that he and Thomas Riggs were coming down Annisquam river and saw the deputy with the hay, etc. Also for need of hay Goodman Harridine's cattle were so poor that they could hardly go in the spring, etc. Sworn in court.

William Linkhorne deposed that Edward Harridine was fain to give his cattle wheat for want of hay, and that one of his cattle and four calves died, etc. Sworn in court.

†Isrell Webster deposed that he heard Mr. Thomas order John Kent to take out of his cellar eleven firkins and eleven kegs of sturgeon and to carry it to Boston, and they had to go twice, as they could not take them all at one time. Sworn, Sept. 22, 1667, before Daniel Denison.§

‡Writ: Ens. Thomas Chandler v. Job Tyler; debt; dated 27 : 3 : 1667; signed by Simon Bradstreete,§ for the court; and served by John Stavens§, constable of Andover, by attachment of two oxen, two cows and five acres of land of defendant.

Copy of Salem court record of 28 : 9 : 1665, concerning the same parties, made by Hillyard Veren,§ cleric.

Thomas Chandler's bill of cost, for going to Quinopeg about 140 miles from Andover out and in to serve warrant, 1li., etc., total, 4li. 6s. 4d.

Agreement, dated Oct. 29, 1665, between Thomas Chandler§ of Andover and Job Tiler§ of Roxbury, to leave the settlement of their differences to arbitration, the former choosing Worshipful Mr. Bradstreet of Andover and the latter Col. Crone; in case Mr. Bradstreet refused to serve, Mr. Edward Dennison of Roxbury was to be chosen, with Capt. Johnson of Roxbury as third man, etc. Wit: Phillip Curtis§ and Joshua Lamb,§ who made oath before Anthony Stoddard,§ commissioner.

§Autograph.

John Bishop v. John Kent. Debt. Verdict for defendant.

Wm. Beale v. Richard Downeing, wife Mary and Margret Bennit. Review of a case tried at Salem. Verdict for plaintiff.\*

Letter dated Mendon, Sept. 23, 1667, signed by Joseph Aldregg,† stating that he did not know where to find Tyler and that he had not been at his house.

Job Tyler testified that he never saw the warrant which Thomas Chandler sent him. Sworn, 21 : 7 : 1667, before Richard Parker,† commissioner.

William Cleaves, aged about thirty-two years, deposed that he went with his brother Thomas Chandler and heard the latter tell Tyler to pay the debt to John Chandler, etc. Sworn in Boston, Sept. 21, 1667, before Edward Tyng,† commissioner.

John Chandler, aged about thirty-three years, deposed that he went with his brother Thomas Chandler, etc. Also that he had never received the money. Sworn in Boston, Sept. 21, 1667, before Edward Tyng,† commissioner.

Award of the arbitrators, Edward Denison† and Isaac Johnson,† dated Jan. 26, 1665, who ordered that Job Tiler should nail up or fasten upon the posts in Andevour and Roxbury meeting houses in a plain legible hand, there to remain fourteen days. Also that whereas no fine can be sufficient for the reparation of a man's name, and considering Job's poverty and necessities, they judge that he should pay the costs, 6li.; and for saying that Chandler was a base, lying, cheating knave and had gotten his estate by cheating, and had cheated him out of 100li., he was to make public acknowledgment. Sworn by the arbitrators, 17 : 7 : 1667, before Anthony Stoddard,† commissioner.

\*William Beale deposed that his wife, upon request of Allexander Gelligin, went with his wife, Frances Gelligin, to Richard Downing's lot to see the dung heaps which said Downing had carried away, etc. Beale's wife was beaten so he had fear for her life, and Gelligin's wife had since died, etc.

Wm. Beale's bill of cost, 2li. 1s. 2d.

Copy of summons, dated 19 : 4 : 1667, made by Hillyard Veren.†

Copy of depositions of Ann Devorix, Francis Gilligan, Mary Stacy, Henry Stacy, William Beale, Mary Parnell, Robert Newman, Richard Downing and wife Mary, taken from Salem court, 25 : 4 : 1667, by Hillyard Veren,† cleric.

Letter of attorney, dated Sept. 23, 1667, given by Margaret (her mark) Benet,† Richard (his mark) Downing† and Mary (her mark) Downing, all of Marblehead, to Edmund Richards of Lynne. Wit: Edw. Norice, sr.,† Dorothy Norice,† Anne Devorux† and Bethiah Deverux.†

Henry Stacy, aged forty-six years, and Allexander Gelligin deposed that Margaret Bennit told William Beale that she would

† Autograph.

‡ Seal.

Danill Hovey v. Robert Andrews. Trespass. Withdrawn.

Danill Hovey v. John How. Trespass for pulling up his fence. Withdrawn.

Hackaliah Bridges v. Rich. Haven. For illegally stopping him upon the road. Verdict for defendant.\*

break his pate, but the latter told her he would not trouble her and took off his hat, "bid her By youre Leauē," and went out of the house. Downing followed him and would have thrust him out at the gate, but Beale went along an old path that went to John Deverix, etc. Sworn, 23 : 7 : 1667, before Wm. Hathorne, † assistant.

Jane James, aged sixty-four years, deposed that a month tomorrow she was at the house of Henry Stacy of Marblehead at the death of Frances Gelligin. When they put her in the coffin, they noticed marks on her side of a black red color and she had complained of a sore spot, etc. Also that Mr. Ward had paid twenty shillings for an agreement of all parties, etc. Sworn, 23 : 7 : 1667, before Wm. Hathorne, † assistant.

Jane Stacy, aged thirty years, deposed that Frances Gelligin came to her house and desired her daughter Mary Stacy, etc. Sworn, 23 : 7 : 1667, before Wm. Hathorne, † assistant.

\*Writ: Hachaliah Bridges v. Richard Haven of Lynn; for illegally stopping him upon the road and apprehending him upon pretence of feloniously assaulting a man upon the highway; dated 13 : 7 : 1667; signed by Hillyard Veren, † for the court; and served by Henry Skerry, † marshal of Salem, by attachment of house and land of defendant.

Jonathan Hudson † and his wife, Elizabeth (her mark) Hudson deposed, Sept. 23, 1667, that one night a man called Mr. Pinshin and a daughter of Dexter of Maulden came into his house. Pinshin came in as if he were frightened, saying that he was afraid of his life, and with his naked sword in his hand asked to be entertained that night. He said the Bridges were pursuing him, that they had taken the maid off the horse and since he had brought her from her father's he was resolved to carry her home again. They lodged there that night and the next morning went away.

Andrew Mansfeild of Lynn, aged about forty-six years, deposed that coming from Rumnye Marsh in hay time, two or three of Goodman Bridges' sons of Ipswich overtook him on this side of Lynn bridge and stayed there to light their pipes. Upon the hillside before he reached Mr. Hathorne's, he met Mr. Pinson who desired him to send the constable to Mr. Hathorne's lest there be a mutiny and deponent went to Sergt. Richard Haven, constable. Sworn, 23 : 7 : 1667, before Wm. Hathorne, † assistant.

Obadiah Bridges, aged about twenty years, deposed that coming along with his brother Hacialiah from Boston toward Ipswich,

†Autograph.

Mr. Wm. Perkins v. Mr. Thomas Gilbert. Defamation. Verdict for defendant. Court did not accept the verdict.\*

Mr. Wm. Perkins v. Mr. Tho. Gilbert. Verdict for defendant. Court did not accept the verdict.

Mr. Wm. Woodcock v. Zackery Herrick. Forfeiture of a bond. Withdrawn.

Job. Hillyard v. Mr. Edmond Batter. Appeal from a judgment granted by Major Hathorne. Verdict for plaintiff, the reversing of the former judgment.†

when the constable arrested him, etc. John Bridges testified to the same. Sworn in court.

Rich. Haven deposed that he demanded a bond of Pinchson and he would not give it, and that he told the Bridges' to go on their way, etc. Sworn in court.

\*Ed. Bridges deposed that upon Sabbath day last, he heard Mr. Gilbert say that men must repent of what they had done or else go to hell and he prayed that the necks of all who opposed the ministers of the Gospel should be broken. Owned in court by Mr. Gilbert.

†Writ: Edmund Batter v. Job Hyliard; debt for one load of salt marsh hay; dated 1 : 6 : 1667; signed by Wm. Hathorne,‡ for the court; and served by Hen. Skerry, marshal. Copy made by Wm. Hathorne.‡

Copy of judgment, found for plaintiff, 12 : 6 : 1667, made by Wm. Hathorne.‡ Appealed, and Phillip Cromwell and Job Hyliard bound.

Summons, dated 5 : 6 : 1667, for Job Hilliard's appearance, signed by Hillyard Veren.‡

Job Hilliard's bill of cost, 1li. 6s. 4d.

Letter dated, 26 : 7 : 1667, from Hillyard Veren‡ to Mr. Lord, explaining that his son wrote the summons with his approbation; he being very busy, etc.

Hilliard Veren, jr., made oath that Job Hiliard received the summons, etc. Copy made by Wm. Hathorne.‡

Copy of deposition of John Farrar and Jonathan Sylsbey, who said that two or three years since, by order of Edmond Batter, he carried a load of salt hay to Job Hylyard's house and his wife received it.

Job Hilliard's‡ reason of appeal, dated Sept. 18, 1667: That his wife swears she never received the hay; that there was another Hillyard, whose house is at the same end of the town as his, and those who delivered the hay were strangers in the town; that he was at sea when the attachment was made; that Mr. Batter

‡Autograph.

John Baker v. John Clarke and Thomas White. Debt. Verdict for plaintiff.\*

Three actions of Mr. Bradstreet v. Tho. White referred from Salem court.†

Symond Bradstreet, gent. v. Thomas White. Debt. Verdict for plaintiff.

Symond Bradstreet, gent. v. Thomas White. Breach of covenant. Verdict for plaintiff.

Symond Bradstreet v. Tho. White. For not delivering a brown bay horse. Verdict for plaintiff.

Nicolas Cole acknowledged judgment to Mr. Edmond Batter.

Joseph Gidding, Wm. Andrews and Wm. Quarles were released of their bonds for good behavior.

Stephen Crose was released of his bond for good behavior.

Elizabeth Giggles dying intestate, Thomas Giggles and Joseph Sw[a]lsie were appointed administrators of the estate, and an inventory amounting to 105li. 15s. 2d. was presented. Court ordered the administrators and Wm. Holingworth to make an equal division of the estate into six parts, there being five children, the eldest son to have a double portion. Wm. Giggles was to have a bed and bedstead with appurtenances out of the estate which his mother gave him.

is a well known man of such a quick spirit that he will not allow any debt to stand, but is always ready with attachments for smaller things than a load of hay, as witness the great trouble of the constables in this town.

Letter from Edm. Batter‡ to the court, mentioning that Maj. Hathorne had been in Dover the past week, and that Mr. Veren's son often did writing for his father when the latter was busy about the fish in the summer. He appointed Jno. Clerk of Wenham his attorney.

\*Writ, dated Sept. 16, 1667, signed by Robert Lord,‡ for the court, and served by Robert Lord,‡ marshal of Ipswich.

John Baker's bill of costs, 1li. 3s. 6d.

John Clark‡ and Thomas White,‡ in Mar., 1665-6, acknowledged a debt to Mr. Baker to be delivered at his house in Ipswich. Wit: Walter Fayerfield‡ and Thomas Giddinge. Acknowledged in court by John Clark before Daniel Denison.‡

‡Copy of Salem court record, 25 : 4 : 1667, concerning this action.

‡Autograph.

Inventory of the estate of Elizabeth Giggles, taken Aug., 1667, by Joseph Grafton, and Hillyard Verrin, and allowed: Dwelling house & one acre of ground, 40li.; 3-4 of an acre of bad marsh at Forest river, 3li.; 1-4 acre in the South field, 2li.; lockroom, an old woman's cloak and other wearing apparel, carpet, old castor, 15s., beds and bedding, furniture, kitchen utensils, pewter flagon, old muffle, one bible, 9s.; small old ketch, 35li.

Court ordered that Thomas Rix be summoned to Salem court to give an account of an estate of Mighill Ward.

Georg Farow was released from training, paying 5s. per annum for the use of the company.

Wm. White was released from training without pay.

Daniel Hovey, for speaking falsely to the prejudice of Major Genll. Denison, was fined and ordered to pay costs to Zacheous Gould.\*

Joseph Evely, for misdemeanors about James Travers, was fined.†

Abraham Robinson was fined for misdemeanors and costs were allowed to James Travers.†

Samuell Roberds and his sureties were discharged.

The treasurer was ordered to pay 45s. to Theophilus Willson in full of all charges about Hancock.

Ordered that when the constables of Topsfield clear with the treasurer of all that is behind, the treasurer shall pay them five pounds.

\*John How and John Gould deposed that Daniel Hovey said that the Major did not declare his sentence in public, but what he did was done after he was gone. Further that John Gould whispered to the Major when he was going away, etc. Also if any one should go down to make a complaint of him to the Major, the latter had promised that he would not hear them nor grant a warrant until he came, etc. Sworn in court.

†Summons, dated Sept. 23, 1667, for beating, upon complaint of James Travers, signed by Samuel Symonds.‡ Summons also to Isaack Ellwell and Benjamin Jones.

Isaack Ellwell, aged about twenty-five years, deposed. Sworn in court.

Benjamin Joans deposed that when he was going along in Stonard's marsh, he saw Joseph Evely and Abraham Robinson searching James Travers, etc., and James struck them with a paddle and held up a hammer, etc. Sworn in court.

‡Autograph.

John Lighton, constable, complained against Joseph Safford and Hollick Country for striking him on May 13 last at night, and they were fined and imprisoned until they pay, also bound to good behavior. His brother John, surety for Joseph Safford, and Edward Deare surety for Holick Country.

Granted that there shall be the fifth part of a single country rate levied for the defraying of county charges, the treasurer to issue warrants.

Obadiah Bridges was referred to this court, and desiring to be tried by a jury, he was found guilty of very uncivil carriages and suspicions of the act of uncleanness. He was ordered to pay a fine and cost of the jury.

Court ordered that Richard Kent give security to the town to save them harmless about a man whom he had brought into the town, or else return him whence he came or appear at the next sessions to give reason why not.\*

Alice Sharpe dying intestate, court granted administration of the estate to Nathaniell Sharpe, and an inventory was presented amounting to 79li. 7s., clear estate. Court ordered that said Sharpe bring the agreement of the children to Salem the next court, when further order would be taken.

Court adjourned to 14 : 9 : 1667 at 10 o'clock.

Inventory of the estate of Mrs. Sharpe of Salem, widow, taken by George Gardner and Samuell Gardner, upon request of the selectmen of Salem and Nathaniell Sharpe, son of deceased: Dwelling house and three acres of land, 70li.; bedding and rugs, wearing apparel, household utensils, an Iron & heate, furniture, bookes, etc.; total, 93li. 7s.; debts, 14li.

Nuncupative will of William Searle, proved, Sept. 24, 1667, by Thomas Knowlton and Mary Taylour: "William Searle when he lay sicke sent for me Thomas Knowlton and Robert Pearce and when we came hee desired vs to be helpfull to his wife, he sayd he would leave that little estate he had to his wife, and in case what was owing to him would not pay his debts his will was his land

\*Petition of the selectmen in the matter concerning Richard Kent's entertaining of James Waymouth, he having been warned out, signed by John Pike,† Abraham Toppan,† Archelaus Woodman,† William Titcomb† and William Ilsly.†

William Ilsly and John Webster, constable of Newbury affirmed that the old man was duly warned out of the town of Newbury.

† Autograph.



should be sould toward the payment thereof." Mary, wife of Samuell Taylour, testified to the same effect.

Inventory of the estate of William Searle of Ipswich, taken, Sept. 23, 1667, by Deacon Knowlton and Robert Pearse, was presented, 24 : 7 : 1667, by Grace Searle: One house, 26li.; 3 acres at Hogg Island, 4li. 10s.; domestic animals, beds and bedding, furniture, settle, a piggin, household utensils, a bible, cupboard, etc.; total, 93li. 11s. 6d.

Will of Lionell Worth of Newbury, without date, proved, Sept. 24, 1667, by John Whipple, sr., and Samuell Poore: To daughters Susanna, Mary, Judith and Sarah, 10li. each, at age or marriage; to son, John, plowing land by the dismal, half the pasture ground, and half his meadow at twenty-one; to wife Susanna, his dwelling house, orchard, barn and half the land, and all the moveables, and if she sell, his son John to have the refusal; his wife and his brother John Whipple, executors. Wit: Wm. Sawyer, Samuell Poore and John Whipple, sr.

Inventory of the estate of Lionell Worth of Newbury, who deceased 6 : 5 : 1667, taken, 9 : 5 : 1667, by Joseph Hills and John Bayley, and allowed Sept. 24, 1667, upon oath of the widow: Dwelling house, barn, with 10 acres of land, 100li.; 8 acres at Dismall, 40li.; 30 acres of pasture, 60li.; Boggi medo, 60li. & on Salsbury syde, 30li.; 3 hay lot in Plumbe Iland, 20li.; domestic animals, beds and bedding, furniture, sword; Dr. Gouge's book & Mr. Perkins, 1li. 10s.; Mr. Dod's book, Mr. Perking's book, 16s.; bible, sea chest, wearing apparel, cloth, corselet & leather coat, grain, etc.; debts owing the estate, Daniell Lunt, Tristram Coffin; debts due the estate, to Mr. Woodman, Capt. Gerish, Sergt. Knight; total, 477li. 13s.

Will of Austin Killim, dated 2 : 4 : 1667, proved, Sept. 24, 1667, by Thomas Fiske and Richard Hutten: To wife, his cattle, swine and moveables, and his dwelling house and land, except six acres already given to son Lott, for life, but if she had need to sell, it be his son Lot's; if Lot die before his mother, she was to have the sole disposing of it; to son Lot, 5 acres between Ipswich line and the sawpits, unless his brother John give him an assurance of 5 acres in the neck, etc.; the farm he had already disposed of; wife, executrix. Wit : Tho. Fiske and Richard (his mark) Hutten.

Inventory of the estate of Austin Killim, taken 11 : 4 : 1667, by Richard Hutten and Tho. Fiske: House and 22 acres of land, 76li.; total, 122li.

Inventory of the estate of the widow Killim, taken 10 : 5 : 1667, by Richard Kimball and Thomas Fiske: Wearing apparel, etc.; total, 9li. 8s.

COURT HELD AT HAMPTON, 8 : 8 : 1667.

Jury of trials: Jno. Severans, foreman, Jno. Eaton, Jno. Colby, Tho. Barnard, dismissed, Jno. Fulsham, sr., James Kid, Mr. Jno. Carlton, James Pecker, Abraham Pirkins, sr., Jno. Marian, Tho. Nudd, Wm. Fifeild, sr., and Tho. Philbrick.

Mr. Andrew Wiggin v. Capt. Walter Barefoot. High defamation. For saying that he had robbed him, laying felony to his charge. Special verdict. If the law judged taking away a pistol from Capt. Barefoot as this was taken, to be theft or robbery, they found for defendant; if not, for the plaintiff. Court adjudged it robbery and gave judgment for defendant. Appealed to the next Court of Assistants.

Willi. Cottle v. Wm. Hackett. For not delivering or using due care in delivering sundry parcels of goods and provisions of great value, which by special contract he engaged to transport from Newbery to Elizabethtowne, New Jersie, to the damage of plaintiff and his family. Defaulted.

Tho. Mudgett v. Hugh Sharratt and wife Elizabeth. For not paying for a pipe of wine and other goods delivered to said Elizabeth in May, 1666. Verdict for plaintiff.

The new town of Salisbury v. G. Brown, Rob. Eyers and Jos. Davis. Trespass. For coming upon their land and with several others of Haverhill and two men called artists ran a line, marked trees, heaped stones and so set a new bound mark between themselves and Haverhill. Nonsuited.

Abraham Drake v. Jno. Tod. For not paying 4li. according to promise, being upon account of Jos. Davis. Withdrawn.

Edw. Gove v. inhabitants of the town of Salisbury. For not laying out to said Gove such divisions or proportions of lands as belong to the commonage which Edw. Gove purchased of Josiah Cobham. Nonsuited.

Sarah Abbitt, administratrix of the estate of Walter Abbitt v. Umphrey Scammon. For refusing to satisfy her for meat, drink, washing, lodging, with fish lent him in her husband's lifetime, all amounting to 12li. 16s. 10d. Withdrawn.

Christopher Palmer acknowledged judgment to Tho. Bradbury.

Capt. James Pendleton v. Nath. Boulter. For dwelling and making use of a house of said Pendleton's, which was taken by execution from said Boulter, and opening his land and orchard to the commons. Withdrawn.

James Pecker took the freeman's oath.

Sam. Simons was appointed administrator of the estate of Willi. Simons, and he was to have until the next Salisbury court for perfecting the inventory.

Rob. Eyer and Tho. Eyer took the freeman's oath.

Jno. Haseltine was appointed administrator of the estate of Sam. Willcock, late of Haverhill, and was to bring in an inventory to the next Salisbury court.

Capt. Hussy, Mr. Sam. Dalton and Ens. Samborne took the three men's oath for ending small causes for the town of Hampton.

Morris Hobbs was sworn constable for Hampton.

Mr. Oliver, presented for living from his wife, gave a satisfactory answer.

Moses Gilman was licensed to keep the ordinary for the town of Exiter and to sell wine and strong waters by retail only to strangers within doors.

Henry Lamprey and Juliana, his wife, were bound to be of good behavior toward Abraham Cole and Mary, his wife, until next Salisbury court.

James Pecker and Tho. Eaton were approved sergeants of the military company of Haverhill.

Sam. Simons was ordered to keep the ferry at Haverhill until next Salisbury court.

Court ordered that Joseph Merrie upon the delivery, etc.

Ordered that a summons be sent to Steven Kent to appear before Capt. Pike to answer complaint of Joseph Davis.

Nathaniell Batcheller was bound to receive from Joseph Merry the portions of Benjamin and Elizabeth Hilliard and to pay them when they come of age.

Upon return of the committee on county bridges, court considering that the county should not pay for town bridges, yet conceiving it convenient to have a horse and foot bridge over Exiter river, offered to allow from the county 10li., which Exiter men refused.

Mr. Cotton, Mr. Dalton, and Mr. Jno. Samborne were appointed auditors of the accounts between Rob. Smith and the children of Rob. Read, deceased, and were ordered to present it at the next Salisbury court.

Mr. Sherbourn, one of the selectmen of Portsmouth, informed the court that Mr. Henry Dearing had been chosen to keep the ordinary for the town and to sell wine and strong waters by retail, and court approved of the choice.

Mr. Andrew Wigin and Phillip Lewis were bound for the former's prosecution of his appeal to the Court of Assistants in his action against Capt. Barefoot.

James Philbrick was ordered to bring in an inventory of the estate of Tho. Philbrick, sr., to the next Salisbury court.

Joseph Stowers was appointed administrator of the estate of Elizabeth Blasdale, late deceased.

Robert Eyer, Jno. Jonson, Jno. Haseltine and Jno. White were approved as corporals of the military company of Haverhill.

Daniell Ela, presented for being drunk and vomiting in court, excused himself upon the pleas that he had been fasting all day and was not accustomed to drinking strong waters, and was fined.

Dan. Ela was fined for cursing.

Anthony Stanian was licensed to keep the ordinary for Hampton and to sell wine and strong waters by retail.

Mr. Richd. Olivar, presented for fighting with Jno. Redman and breaking the peace, was fined.

Umphrey Wilson and Jno. Wedgwood presented for swearing by his Maker, were fined.

The treasurer presented his accounts to this court.

Rodger Collins was licensed to sell strong waters by the gallon.

A rate of 35li. was ordered to defray the county debts.

Allowed to the servants where the magistrates lodge, 10s.

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Thomas Philbrick, aged about forty-two years, and Edward Gove, aged about twenty-eight years, deposed concerning Goodman Wier's complaint against Capt. Bradbury about the deed of sale, that it was Joseph Dow of Hampton that interlined before sealing, and that the original and copy agree as to the delivery of land by Eliakim to Edward Gove. Sworn, 11 : 2 : 1667, before Simon Willard.\*

Writ: Joseph Davis v. Joseph Merry of Hampton; debt due to plaintiff, as assignee and agent of Thomas Davis; dated Oct.

\* Autograph.

## COURT HELD AT IPSWICH, NOV. 14, 1667.

Mr. Phillip Nellson, being made free by the General Court, took the freeman's oath.

Mr. Phillip Nellson was chosen and allowed ensign of the town of Rowley.

John Lambert dying intestate, court granted administration upon his estate to his widow Abigaill.

John Maning's presentment was not proved and he was cleared.

Peeter Nash, for not appearing when summoned as a witness in John Maning's presentment, was fined.

John Pindar, jr., for many high offences, was committed to the house of correction for a fortnight and there to receive his punishment before one of the magistrates, some of the selectmen and the parties who complained of him. John Pindar, his father, was bound for his good behavior, and to be fined 20li. unless he put him out to some honest person, approved by the magistrates of Ipswich.

Mr. Wm. Perkins was discharged of his presentment.

Given to the house, 5s.

Division of the estate of Wm. Addams made by John Addams, administrator, and Elder John Whipple and Thomas Stace, overseers: to the eldest son, 80li. with 45li. in moveable estate; to the other two sons, the other half of the house, barn and six acres of marsh valued at 70li., and 55li. in moveable estate. Allowed in court.

Inventory of the estate of John Lambert, deceased, appraised by Richard Swan, Ezekiel Northend and William Law, and allowed upon oath of Abigaill, the widow: Bills, 119li. 8d.; wearing apparel, beds and bedding, wool, yarn; house and barn, 60li.; 6 acres in Sachell's ground, 2 acres beyond Satchell's bridge, 3 acres at Cow bridge, land in the plain and commonage and at Merimack; a prentice boy, 8li.; domestic animals, etc.; total, 574li. 8d.; debts due to Francis Wainwright and John Grant.

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9, 1667; signed by John Carleton,\* for the court; and served by Abraham Drake,\* marshal of Hampton, by attachment of house and land of defendant.

Writ: John Redman, jr., v. William Fild; defamation; dated 11 : 12 : 1667; signed by Samuell Dalton,\* for the court; and served by Abraham Drake,\* marshal of Hampton, by attachment of house and land of defendant.

\*Autograph.

## COURT HELD AT SALEM, 26 : 9 : 1667.

Judges: The Worshipfull Mr. Symond Bradstreet, Mr. Samll. Symonds, Major Daniell Denison and Major William Hathorne.

Grand jury: Jeffery Massey, Jon. Neale, Samll. Corning, Fran. Skerry, Hen. Herick, sr., Samll. Eborne, Will. Vinscent, Mr. Moses Maverick, Hen. Collens, sr., Edw. Baker, Hen. Roades, Jon. Mansfeild, Marke Bachelor, and William Allen.

Jury of trials: Leift. Geo. Gardner, Mr. Will. Brown, jr., Mr. Joseph Gardner, John Williams, William Rayment, Will. Dodg, jr., Tho. Judkin, Mr. Samll. Ward, Danyll. King, jr., Tho. Browne, John Flud and Richard Kembell.

Richard Rowland and wife Mary v. Jon. Waldron. Defamation. Withdrawn.\*

John Godfery v. Abraham Whittacker. For withholding a debt of 20li. Verdict for defendant. Court did not accept this verdict.†

\*Writ: Richard Rowland and wife Mary v. John Waldron; defamation; for saying that Rowland had stolen two cords of wood from said Waldron, also his iron weights, and that there was not a verier thief on Salsbury plain; dated Nov. 19, 1667; signed by Moses Mavericke,‡ for the court; and served by John Peach,‡ constable of Marblehead.

†Writ, dated Nov. 19, 1667, signed by Anthony Somerby,‡ for the court and served by John Hazeltine,‡ constable of Haverell, by attachment of house and lot and Indian corn of defendant.

Abraham Whitticker's bill of cost, 14s.

Steven Kent, aged about sixty years, deposed that he wrote the bond and the acquittance, etc., and that he was constable that year. Sworn, Nov. 11, 1667, before Simon Bradstreet.‡

Copy of bond, dated Mar. 23, 1664, from Abraham Whitticker of Haverhill to John Godfrey of Ipswich, the amount to be paid at the house of Steven Kent at Haverhill. Wit: Steven Kent and Edward (his mark) Yeomans. Sworn, 9 : 2 : 1667, before Tho. Bradbury, rec. Copy made by Tho. Bradbury,‡ rec.

Copy of acquittance, dated Mar. 24, 1664-5, from John (his mark) Godfrey of Ipswich to Abraham Whitticker of Haverhill, carpenter, for half an ox which died, etc. Wit: Steven Kent and Edward (his mark) Yeomans. Sworn, 9 : 2 : 1667, before Tho. Bradbury, rec. Edw. Brumidg also made oath, 8 : 2 : 1667, before Simon Bradstreet. Copy made by Tho. Bradbury,‡ rec.

‡ Autograph.

Andrew Mansfeild and John Burrell, attorneys of the selectmen, in behalf of the town of Lynn v. John Hathorne. Debt for 2000 boards. Nonsuited.\*

Mr. John Giffard v. Daniell Eaton. For not returning his horse borrowed a year since. Verdict for defendant. Court did not accept the verdict.†

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Copy of deposition of Edward Cottle, sworn June 18, 1667, and taken from Salem court records by Hillyard Veren,‡ cleric.

\*Writ, dated Nov. 20, 1667, signed by John Fuller,‡ for the court, and served by John Newhall,‡ constable of Lynn.

John Hathorne's bill of costs, 12s. 2d.

†Writ, dated Nov. 19, 1667, signed by John Fuller,‡ for the court, and served by John (his mark) Purchase, deputy to John Newhall,‡ constable of Lyn.

Daniell Eaton's bill of costs, 1li. 5s. 2d.

Abraham Wellman, aged about twenty-four years, deposed that Mr. Jefferd's horse was sick with the staggers, and the latter told Jeremia Swayne to cure the beast and he would pay him. Sworn in court.

William Eaton, aged about sixty years, deposed that he saw Thomas Johnes measure a bushel and a half of Indian corn and put it upon Mr. Jefers' horse. Daniell Eaton went with him to Moldin mill upon a Friday morning and came to Ellectsander Wait's house upon Saturday night. Sworn, Nov. 25, 1667, before William Cowdrey, Thomas Parker and Thomas Kendall, commissioners of Redding.

Alixander Waite, aged about thirty years, deposed that when Daniell Eaton came with the horse the snow was up to the horse's belly and there had been no path beaten, etc. Sworn before the commissioners of Redding.

Thomas Johns, aged about twenty-nine years, deposed. Sworn before the commissioners of Redding.

Thomas Clarke, aged about forty-nine years, and Mary, his wife, deposed. Sworn before the commissioners of Redding.

Jeremiah Swayne, aged about twenty-five years, deposed. Sworn in court.

Susana Rusell, aged about nineteen years, deposed that Mr. Jefferd said that he let Daniell Eaton have his horse for his keeping because he was short of hay. Sworn in court.

Edward Marshall, aged about twenty-six years, deposed.

Benjamin Smith, aged about thirty years, deposed that after he saw Eaton go toward Maldin, deponent's brother's people, who were living at Winnesimet, came up to Redding with five horses, etc. Sworn before the commissioners of Redding.

‡ Autograph.

John Hathorne v. Samuell Hart. Debt. That he promised to pay for Capt. Marshall several years ago. Withdrawn.\*

Henry Wormewood v. Edmund Farrington. Review. Withdrawn.†

Henry Wormwood v. Edmund Farrington. Defamation. Saying that plaintiff had stolen a load of hay. Withdrawn.‡

Joseph Armitage acknowledged judgment to Mr. John Davenport.

Tho. White, guardain of Martha Haffeild v. Robert Crosse. Review. For withholding or refusing to deliver 21li. in gold, which was illegally taken from said Martha. Verdict for defendant.§

John Purchis, aged about twenty-five years, deposed that he heard Mrs. Giffard and her daughter Margaret affirm that Eaton desired to have the horse to go to mill and to take his wife to meeting. Also that Eaton agreed not to carry over a bushel of corn upon the horse at a time and not to ride on him or lend him to any one else. Sworn in court.

\*Writ, dated Nov. 8, 1667, signed by John Fuller, ¶ for the court, and served by John Newall, ¶ constable of Lyn, by attachment of land of defendant.

†Writ, dated Nov. 12, 1667, signed by John Fuller, ¶ for the court, and served by John Newall, ¶ constable of Lyn.

‡Writ, dated Nov. 12, 1667, signed by John Fuller, ¶ for the court, and served by John Newall, ¶ constable of Lyn.

§Writ: Thomas White, guardian to Martha Halfield v. Robert Crose, sr. For refusing to deliver 21li. in gold illegally taken from said Martha and conveyed to said Crose by Larence Clinton for his time; dated 16 : 9 : 1667; signed by Robert Lord, ¶ for the court; and served by John Clearke, ¶ of Wenham, deputy marshal for Robert Lord, ¶ marshal of Ipswich.

Copy of Ipswich court record of Sept. 25, 1666, taken Nov. 16, 1667, by Robert Lord, ¶ cleric.

Rob. Crose's bill of cost, 1li. 7s. 2d.

Copy of deposition of Laurance Clinton, taken 29 : 9 : 1666, before Hillyard Veren, ¶ cleric.

It was ordered that the money be delivered to Elder Whipple and Mr. Richard Hubard until the court take further order.

Copies of depositions of Samll. Graves, Ezekieil Rogers, Jon. Whipple, Jeremiah Belcher, Mr. William Norton, Mr. Robert

¶ Autograph.



Lord, Richard Hutten, Thomas Fiske, William Nelson, William Durgi, Shoerborne Wilson, Daniell Butler, Robert Lord, Mr. Harlackinton Symonds, Richard Brabrooke, taken from Salem court of Nov. 26, 1666, by Hillyard Veren,\* cleric.

Ruth White, aged about thirty years, deposed that being at her mother's house at Ipswich two or three days before Larranc Klenton and Rachell Haftell were examined before the Worshipful Magistrates about the money, she heard her say that she did not care for Klenton. But after she had heard Robert Cros, sr., speak before the magistrates in Laurance's commendation, telling about what rich friends he had in England, deponent could not dissuade Rachell from keeping company with him. Sworn, Nov. 26, 1667, before Samuel Symonds.\*

Johana Fiske, aged about thirty-five years, deposed that she heard Laranc Clenton say that his master Cross and he had agreed for his time for less, but said Cross got him into the parlor with a bottle of liquor between them, etc. Sworn, Nov. 26, 1667, before Samuel Symonds.\*

Laurence Clenton, aged twenty-four years, deposed that his master did not know that he had money of his wife to buy his time until he had had it some time. Also that his master would not take it until he had proved that he came honestly by it, and when deponent's wife declared that she gave it to him to buy out the three and a half years' time that they might marry, etc. Also that his brother White declared before two magistrates in the Major's house that her mother gave his wife twelve pieces of gold when she gave his brother White and brother Coy twelve pounds each, all of which was affirmed before an audience of at least forty people. Sworn, Nov. 23, 1667, before Samuel Symonds.\*

Richard Brabrooke, aged about fifty years, deposed that Goodman Crose's son and daughter would have turned Rachell Clenton out of doors to provide for herself, had it not been for Robert Crose, sr. Sworn, June 20, 1667, before Daniel Denison.\*

Rachell Clenton deposed that Robert Crose, sr., solicited her to be married to Larrence Clenton and labored hard with the Worshipful Mr. Simonds to marry them, that he said he was a man who deserved a maid worth a bushel of gold and Crose himself would give her a better portion than her father did. Crose also sent his son to persuade her to be married to Clenton, and that the latter said that he had an uncle worth thousands and he would be his heir, also that he had fifty pounds in gold to come in Capt. Pearse, that he had a mother at Boston and other lies to delude her, etc. Sworn in court.

James Foord, aged about twenty six years, deposed that at the time of the examination, Robert Crose, sr., was to return the money to Elder Whipple and Mr. Richard Hubberd, which was published upon Ipswich meeting house door. Also that Crose

\* Autograph.

Joshua Ward v. Thomas Rix, administrator of the estate of Miles Ward. For withholding 10li. given him by his father, deceased. Defaulted.

Martha Ward v. Tho. Rix, administrator of the estate of Miles Ward. For withholding 10li. given her by her father, deceased. Defaulted.

Mr. William Browne v. Joseph Jencke, sr. Debt. Withdrawn.\*

called Clenton his right hand man, and Capt. Breeden had told Crose that Clenton had good friends in England. Sworn, Nov. 23, 1667, before Daniel Denison.†

Ruth White, aged about thirty years, deposed that at the examination, Goodman Crosse and his brother Andrewes urged Rachell to give a definite answer as to whether she would marry Clenton, and at last Major Denison reproved them and bade them go out of doors and woo maids there but not in his house. Deponent went to her mother's house and remained there fearing that they would intice Rachell, her sister, etc. Sworn, Nov. 26, 1667, before Samuel Symonds.†

Mr. Theophilus Willson, constable, deposed that he set up the order on the meeting house door, etc. Sworn, 25 : 9 : 1667, before Daniel Denison.†

Mr. Robert Lord, clerk, deposed. Sworn, 25 : 9 : 1667, before Daniel Denison.†

Robert Crosse, jr., aged twenty-five years, deposed. Sworn, Nov. 25, 1667, before Samuel Symonds.†

Nathaniell Stone, aged about thirty-four years, deposed. Sworn, June 20, 1667, before Daniel Denison.†

Petition of Rachell (her mark) Clinton: That she had been for two years under great suffering occasioned by the dealings of her brother, Thomas White; that the 30li. left her by her father was put first into her brother, Richard Coy's hands for improvement, thence into White's hands, and it had been kept from her thirteen years, both interest and principle; that now she is destitute of money and friends; that whereas she formerly lived with her mother in a small cottage in Ipswich, where she cared for her mother who was unable to care for herself, her said mother had been taken from her to said White's house, also the household stuff, and the cottage, which was built for petitioner's mother and herself and given by will by her mother, while she was in her right mind, to said Rachell, had been unlawfully sold and the estate disposed of as White pleased; that she asks the favor of the court "that shee may not be forced to wander from house to house like an Indian or bruit beast;" that she was willing to work but had not been able to because she had been made almost devoid of common reason, etc.

\*Writ, dated 20 : 9 : 1667, signed by Hillyard Veren,† for the court, and addressed to the marshal of Salem.

†Autograph.

Richard Haven, was allowed costs in the action brought by Hackaliah Bridges, who did not prosecute.\*

Theophilus Baily was licensed to retail strong waters by any measure out of doors for the ensuing year.

In consideration that the wife of Richd. Gardner had removed out of this jurisdiction to dwell, her fine of 40s. was, upon request of Mr. Samuell Gardner, remitted to 20s., said Samuell agreeing to pay the other 20s.

James Moulton, jr., was sworn constable of Wenham.

Capt. Tho. Marshall had his former license renewed.

Silvester Eavely had his license renewed, giving oath in court that he would abide by the order of the Generall Court of Oct., 1667, concerning four bushels of barley malt to be put in one hoghead of beer.

Mr. John Hathorne's license was renewed, but he was not to sell strong waters to be drunk in the house, only to strangers.†

Court being informed that there were very many persons in the town of Salem who had not taken the oath of fidelity it was ordered that all such persons repair to the Worshipfull Major Will. Hathorne to take said oath.

William Bennet was dismissed from common training paying to the use of the company of Manchester one bushel of corn per annum.

Abner Ordeway, for carrying away two oxen of Joshua Rayes from his ground, was fined.

William Batt was fined for striking Richard Haven.‡

\*Rich. Haven's bill of cost, 5s. 2d.

†John Hathorne's§ petition to the court: That he had lived in Lyn almost sixteen years, having bought the ordinary and land, and had heard no complaint from the selectmen; that the selectmen may be restrained from licensing so many in Lyn to sell beer, wine and strong water, as it was ruining his business; that he had no lands and no trade and was dependent upon the ordinary for a living; that Baylye and Capt. Marshall had been given licenses without reason, etc.

‡Richard Haven, constable of Lyn, and John Hathorne of Lyn, deposed that upon the highway as they came from Mr. Benett's to Lyn, Georg Oaks and William Batts, his servant, came along also, the latter giving them many reviling words. When they

§ Autograph.

The wife of George Oakes was fined for swearing and for throwing a pair of shears at John Hathorne, cutting his hand.

Allester Greime forfeited his bond for appearance, and was ordered to pay costs.\*

Josiah Sothwick was fined 10s. for contempt of authority by keeping on his hat after he was required to pull it off.

Hester Carepea, Mr. Rueke's servant, was fined for fornication.

Court ordered that the marshal return 4li. of the 6li. fine which he took from Goodwife Pope, at a court held 28 : 9 : 1665.

Administration upon the estate of Samll. Archard, was granted to Susana Archard, widow, and Samuel Archard, and they were ordered to bring in an inventory to the next Ipswich court.

Sara Lambert was ordered to be whipped for fornication, which sentence was executed.†

reached the place where Capt Bridges' old house was, Haven received a blow on the head. Batt and Oaks had sticks in their hands, and the former struck Haven when he told him he would arrest him. Oaks refused to assist the constable. When they came to the Lyn end of Lyn bridge, Batt turned again and Oaks and Halloway made a stand, whereupon Batt said to the constable, "will you haue me to prisson com down then; whereupon the constable did light off his horse & gooing to take hold of batts to haue him along," etc., took hold of the collar or neckcloth of the constable and shook him several times. As they came near to Mowers' house, etc. Sworn, 16 : 1 : 1666-7, before Wm. Hathorne, ‡ assistant.

Richard Haven's complaint: That in the execution of his office of constable the last January, he being lame, he went to arrest Joseph Halloway, Georg Oaks' man, who was unwilling to go with him, so said Haven went to the next house and asked John Hathorne to assist him. As soon as Hathorne came to Oaks' door, laying his hand upon the door post and looking in, the wife of Georg Oaks took a pair of tailors shears and flung them at the face of said Hathorne, saying she would kill him. Hathorne lifted up his hand to save his face and cut his hand. The shears flew over his shoulder. Sworn in court.

\*Summons, dated 26 : 9 : 1667, to Edward Humber, Mary Searle, sometime the wife of Alexander Seers, deceased, wife of Jeremiah Booteman and Charles Hill, Danyell Rumboll's servant, as witnesses in the action concerning Allester Greime and Sara Lambert, signed by Hillyard Veren, ‡ cleric, and returned by Henry Renold, ‡ constable of Salem.

†Dorethy Cromwell and Mary Woodbury deposed that as soon as Sarrah Lambert's child was born, she said that it was

‡Autograph.

Zachariah Herrick, presented for being drunk at the house of Osmand Trask and for often swearing profanely by God, was fined and ordered to pay witness fees to Osmand Trask and his son.\*

Richard Haven was fined for drinking to excess two several times.†

Nathanyell Kertland, John Witt and Ephraim Hall were admonished for profaning the Lord's day by going to the house of William Crofts in time of public exercise and drinking cider.‡

Henry Coomes, for abusing Mr. Walton, saying that he preached nothing but lies, was fined or to be whipped.§

John Elletrap was fined for profane cursing, saying "a plague take it."||

Alester Grime's, etc. Sworn, 15 : 1 : 1666-7, before Wm. Hathorne,¶ assistant.

\*Wit: Edward Trask, son of Osmond.

†Lynn presentment. Wit: George Oakes and wife Genet and William Batt.

William Batt, aged about thirty years, deposed that Richard Haven came in drunk to George Oakes' house the last summer about the time of hilling of Indian corn and railed at said Oakes, calling him beggarly fellow, etc. Sworn, 15 : 2 : 1667, before Wm. Hathorne,¶ assistant.

George Oake and William Batt deposed that Haven was dis-tempered with drink when he served the attachment, etc. Sworn in court.

‡Lynn presentment. Wit: Timothy Cooper, Elizabeth Ingals and Crofts' servants. They also roasted apples.

Anna Crofts, aged sixty years, deposed that they missed half a barrel of cider and apples, and inquired of their servant Timothy Cooper how they went out of the house. Timothy said he heard that when he was at Marblehead there were some to went to the house on Sabbath days and coming back found them there. Later they examined each servant separately and they all gave the same names of those who were drinking there. Elizabeth Ingolls also came and told them that she saw John Wit, Nathaneel Kirtland and others around the house when she and Mrs. Whiting went to the meeting, etc. Sworn also by William Croft, 28 : 9 : 1667, before Wm. Hathorne,¶ assistant.

§Marblehead presentment. Wit: Benjamin Parmiter and his wife, and Debory Garlier.

||Manchester presentment. Wit: Arrabela Boldin, Martha Norman and John Norman's wife.

¶Autograph.

Abner Ordaway, presented for breach of the peace, and being not guilty, was dismissed.\*

Inventory† of the estate of Thomas Randall was brought in, amounting to 6li. 9s. Court ordered that the estate remain in the hands of Sara, relict of John, until the court took further order.

Samuell Shattock and wife, the wife of Leift. Gardner, John Kitchin and wife, John Mastone, sr., old Goodwife Buffum, Joshua Buffum and wife, Josiah Sothwick, Daniell Sothwick, John Smith and wife, the wife of Mr. Tho. Gardner, Michaell Shaffin, wife of Robert Stone, John Burton, sr., John Small; for not frequenting the public ordinances of God on the Lord's days, were sentenced, the men 20s. fine, and the women 10s., each, and if they fail to pay or give security, they were to be sent to the house of correction at Ipswich upon their own cost, for one week. Worshipfull Major William Hathorne was to see the sentence executed and it was left to his wisdom to decide the season of sending them. The marshal was impowered to press carts or horses necessary for conveying them safely to the house of correction and to distrain their goods for the payment of the charge.‡

Court considering the petition from several inhabitants of Marblehead, in reference to the calling and settling of a meet person to join with Mr. Walton for carrying on the work of the ministry among them, approved of the course and Mr. Walton also approving, court appointed Major Hathorne and Mr. Higgeson to assist the people with their advice and counsel.

To the servants of Mr. Gidneyes house, 7s. 6d., and Mr. Browne's servant, 18d.

\*Wenham presentment. Wit: Robert Hibbert and Philip Wels.

†Inventory of the estate of Thomas Randall, deceased, taken Nov. 20, 1667, by Moses Mavericke† and Erasomus James:‡ One Rugg, 1li. 10s.; one Bolster and pillow, 15s.; one bedsack with Flockes and two old Blanketts, 10s.; 1 pr. of sheetts, 16s.; 1 pr. Breeches, 8s.; one whele, 4s.; one chest, 7s.; one Hogg, 18s.; Cotten yarne, 7s.; one pewter Dish, poringer and Dripping pan, 5s.; one smothering Iron and pot hangers, 5s.; one Bed matt, 4s.; total, 6li. 9s.

‡Wit: John Porter, sr., and Benjamin Felton.

†Autograph.

Mr. William Browne, sr., Capt. George Corwin, Capt. Walter Price, Mr. Edmond Batter, Mr. Bartholmew, Mr. John Croad and Mr. William Woodcock had their licenses renewed.

Nicholas Potter, aged about sixty-three years, deposed that upon making the match between John Archard and Bethiah Weekes, Samuel Archard, father to Jon. Archard promised to give his son Jno. Archard, 60li., that is, in a house that he promised to build for him and to let him have the ground that the house should stand on, with five acres in the south field. The house had been built and John Archard was not only forced to help work about it but to pay for workmen, boards, nails and other things. Sworn in court.

John Osgood and Phillip Cromwell deposed that being present in the house of Jon. Osgood in Andover, they heard Samuel Archard, marshal, promise Sara Osgood, widow, to give his son Samuel Archard upon his marriage with Hanna Osgood, her daughter, half an acre of land in the town of Salem which was formerly farmer Porter's and to build him a house 25 feet long and 16 feet broad and to finish it. Also to give him two cows, one mare, one horse, a ten-acre lot, enough meadow to winter four or five cows and a feather bed. This was when the match was consented to and agreed upon, some time in the winter about seven years ago. Sworn in court.

Inventory\* of the estate of Mr. Jonathan Browne is on file and the division of the estate among the creditors at the rate of 5s. 4d. per li.

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List of presentments, signed by John Porter,† in the name of the rest:—

Tho. Chubb, jr., was presented for abusing Capt. Lathrop's servant, Abigail Foott, by lifting her up and violently striking her head against the door-sill and joist of the house. Wit: Osmand Traske, and the wife of Nathaniell Masters.

\*Bond, dated Nov. 17, 1666, whereas there were twenty-nine hogsheads of tobacco shipped upon the Johns Adventure in Virginia in Mar. 1666, Richard Greene being master, consigned to Mr. Abraham Browne, Edmond Downs & Co., of which one quarter part was the property of Mr. James Allen of Boston, Jonathan Browne† agreed to make good the bargain to pay Allen for his quarter part in case the company failed to pay, either in current money at two pence per pound or good, sound merchantable tobacco in cask, etc. Wit: Richard Cooke.† Sworn, 1 : 9 : 1667, before Anthony Stoddard,† commissioner.

† Autograph.

John Browne,\* sr., petitioned the court, 11 : 6 : 1667, that his daughter Abiell Browne, who had been appointed administratrix, was a helpless widow and not able to act, and he, having been called away, desired the court to appoint some one to settle the estate. He agreed to satisfy according to every man's proportion.

Jona. Browne\* of Salem, on July 13, 1666, promised to pay to Roburt Buling of Choptanck, Maryland, 3962li. of tobacco according to his father, Mr. John Browne's obligation, etc.

Inventory of the estate of Mr. Jonathan Browne, deceased, taken Apr. 16, 1667, by Hillyard Veren\* and Samuëll Gardner:\* One smale young horse, his wintering being allowed, 4li.; one cow with wintering, 4li.; 2 smale piggs, 10s.; one fether bed, bolster, pillow, Rugg, blanket, old covering, curtaines, vallens, bedsteed, 9li.; one side cubbord in ye chamber & cloath, 1li.; one Truckle bedsteed, 6s.; one old bedsteed with a coverd. & old straw bed, 10s.; one pine chest, 6s.; one old sitterne & an old case with som bottells & an old barell, 6s. 8d.; 8 pr. of sheets worne, 4li. 10s.; 19 worne cource table napkins, 10s.; 1-2 doz. of fine diap. napkins, worne, & 9 of other sort, 15s.; 8 Cource towells, 6s.; 3 cource cloathes worne, 10s.; 2 finer worne table cloathes & long towel, 15s.; 5 pr. & one pillowbeere, 1li.; 2 linen cubert cloathes, worne, 5s.; 2 old trunkes & an old box, 12s.; a little square table, 6s. 8d.; a basket chaire, 6s.; a little pine chest, 4s.; a square table & side cubbord, 1li. 4s.; a carpet & window curtains & rod, 12s.; 6 Joyne stooles, 8s.; 10 chaires & a Cradle, 1li. 6s.; in a smale ring, 6 spoons & Cupp, 4li.; 1 pr. Andierns, 10s.; pewter, 2li. 12s.; brass & latten candlesticks, 4s.; earthenware, 18s.; a warming pan, 6s. 8d.; a smale, brass Kettle & 2 skilletts, 1li.; 1 brass pott, 18s.; 1 pr. andirons, fire pan & tongues, fender & hangers, 1li.; 2 tables & forme in ye kitchen & stool, 1li.; a spit & smoothing Iron & bellows, 6s. 8d.; some cotten yarne, with a little flax, 4s.; a sea bed & sea cloathes & other wearing cloathes, 6li. 6s.; a rapier & belt, 10s.; 300li. refuse tobacco at 3d. per li., 3li. 15s.; a feather bead properly belonging to ye widdow, 10li.; a bible & 1 book & fore-staff, 10s. Total, 68li. 8s. 8d.; debt due from John Lambart, 1li. 16s. 4d.; by a parcell of Irish goods in the hand of Mr. Thomas Den. Debts due from the estate: to Mr. Henry Bartholmew, 6li. 2d.; Mr. Phillop Crumwell, 7li. 15s. 10 1-2d.; Capt. George Corwin, 9li. 12s. 10d.; Anthony Ashbe, 6li. 8s. 8d.; William Lacke, 14li. 18s. 8d.; Francis Skiry, 7li. 9s. 9d.; Mr. John Gidney, sr., 3li. 3s.; Mr. Richard Gren of Boston, 8li.; Mr. Samuëll Shrimpton, 14li.; Mr. Allin of Boston, Minister, 60li.; Mr. John Browne, sr., 81li. 11s. 3d.; James Browne, 5li. 10s.; Edward Humber, 2li. 3s. 4d.; Izaak Williams, 6li. 6s. 10d.; Mr. Hull, 23li.; total, 250li. 4 1-2d. These debts were ordered to be paid at the rate of 5s. 4d. per pound.

Letter, dated Nov. 1, 1667, from John Hull† to Mr. John Brown, sr.: "I some tyme since Acquainted you that att the frequent And

\*Autograph.

†Autograph and seal.



Earnest request of yo<sup>r</sup> sonn Johnathan Brown Pretending to me Extreame necessity I lent him and by his desires paied for him severall sums of monies And English Goods at money Price to the valew of thirty fower Pound fifteehn shillings & 7<sup>d</sup> of w<sup>ch</sup> I rec<sup>d</sup> but eleven Pound fifteehn shilling 6<sup>d</sup> he Promised me mony in a very short space butt fayled off Performance I never had any dealing with him before to oblige me to doe that fav<sup>r</sup> but onely with respect to yo<sup>r</sup> selfe as his fath<sup>r</sup> and my serv<sup>t</sup> Jerimie dumer as his Brother I intreate you to undertake the Consideration of this my debt & also the Managem<sup>t</sup> theroff that iff it may be I might have the whole though I give you what tyme you desire or iff not the whole then what Proportion is in equity due I Comitt all vnto you being well satisfied both in yours & yo<sup>r</sup> wives Honest desire that right may be done I wrote to you three monthes Agoe my letter is with yo<sup>r</sup> wife for it seemeth you were newly gone to sea. . . If yo<sup>r</sup> selfe please to call at my House I suppose I have yo<sup>r</sup> sonns Hand for most p<sup>rt</sup> of it Salem being a place that my occasions will not permit me to Come vnto."

Mr. Johnathan Browne is d<sup>r</sup> to John Hull : May 31, 1666, to monyes lent & dd. by m<sup>rs</sup> Scott, 5li.; June 7, more mony lent, 3li.; June 22, Goods dd. to rec. mony or Verginia Tobb. at 1 1-2d., 16li. 15s. 7d.; to Benjamin Musey, 10li.; total, 34li. 15s. 7d. Cr., July 7, 1666, by Tobb. recd., 11li. 15s. 6d.; balance, 23li. 1d.

Maryland, May 31, 1666, Mr. James Aling, Dr., to Tobacco resaved, 9,600; commission on sales, 1,500; total, 11,100. Cr., May 31, 1666, by 90 gallons of romme at 30 pr., 2,700; by 2800li. of suger at 3 pr., 8400; total, 11,100. Bill receipted by Jonathan Browne,\* James Allen\* made oath, Oct. 31, 1667, before Anthony Stoddard,\* commissioner.

Copy of Mr. Jonathan Browne's account: Dr. to Mr. John Browne, sr., 13 : 9 : 1665, to 671 Gildars, 8 stivers paid to Gover Locerman by order as pr. Resate, each Gilder being 20d. English, 55li. 19s.; on 20 : 1 : 1666, to 4,562 lb. of tobaco paid in Virginia at 10s. pr., 22 lb.: 16s. 3d.; on 16 : 6 : 1666, to 330 lb. of Twist & Role tobaco of James Browne at 4d. pr. lb. in Sallem delivered, 15li. 10s. Copy signed by John Brown\* and James Browne.\*

James Allen,\* appointed Mr. Hillyard Vering his attorney. Wit: Richard Cooke,\* who made oath, 1 : 9 : 1667, before Anthony Stoddard,\* commissioner. He wished to be excused for his freedom in asking the favor of "one unknown to you" and said that about twenty hogsheads Brown had disposed of without his consent, tobacco then bringing 3d. per pound. The 9,600 pounds would have brought him 80li. clear of charges, said Allen having paid the freight, etc. Paper addressed "These For M<sup>r</sup> Hilyard Vering att Salem."

Richard Green, aged about thirty-nine years, deposed that about Oct. 23, 1665, being bound to Virginia, etc. He delivered

\* Autograph.

Nathanll. Sharp, administrator of his father's estate, brought in a writing made between the children of Samuell Sharp, deceased, which was allowed and filed.\*

the goods according to bill of lading. Sworn, 16 : 8 : 1667, before Anthony Stoddard,† commissioner.

Nathaniell Green, aged about thirty-nine years, deposed that he delivered to Jonathan Browne of Salem two punchines of Muscovado sugar, etc. Sworn, 16 : 8 : 1667, before Anthony Stoddard, commissioner.

\*Agreement, dated Nov. 29, 1667, that Nathaniel Sharpe of Salem, administrator of the estate of his mother, lately deceased, by whom the estate was ordered divided, should have a double portion and the remainder should be equally divided among the rest of the children, signed by Nathaniell Sharpe,† Thomas Jeggells,† Christopher (his mark) Phelps, John Norton† and Hannah (her mark) Sharpe.

Summons, dated 7 : 9 : 1667, to Thomas Chubb, jr., and Zachariah Herrick, also Osmund Trask, the wife of Nathaniell Masters, and Edward Trask, son of Osmond, as witnesses, signed by Hillyard Veren,† clericus, and served by John Hill,† constable of Salem on Bass river side.

Summons, dated 7 : 9 : 1667, to Sara Lambert, Hester Carpea, Mr. Ruck's servant, Samuel Shattock and wife, wife of Leift. George Gardner, John Kitchin and wife, John Mastone, sr., old Goodwife Buffum, Joshua Buffum and wife, Josiah Sothwick, Daniell Sothwick, John Smith and wife, the wife of Mr. Thomas Gardner, sr., Michaell Shaffin, the wife of Robert Stone, John Smale, John Burton, sr., John Burton, jr., and Hana Burton; and Sergt. John Porter, Arabella Baldin and Benjamin Felton, as witnesses, signed by Hillyard Veren,† clericus, and served by Henry Renolds, constable of Salem.

Execution, dated 6 : 6 : 1667, against Mordecaie Craford, to satisfy judgment granted Mr. Peeter Duncan, at Salem court, 29 : 9 : 1664, signed by Hillyard Veren,† for the court, and served by Henery Skerry,† marshal of Salem.

Execution, dated Sept. 14, 1667, against Mr. Raulph King, attorney of Mr. John Paine, to satisfy judgment granted Edmund Bridges at Salem court, June 25, 1667, signed by Hillyard Veren,† cleric, and served by Henery Skerry,† marshal of Salem.

Execution, dated July 26, 1667, against Richard Rowland, to satisfy judgment granted Capt. James Smith at Salem court, June 25, 1667, signed by Hillyard Veren,† cleric, and served by Henery Skerry,† marshal of Salem.

Execution, dated July 26, 1667, against Capt. James Smith, to satisfy judgment granted Richard Rowland at Salem court, June

†Autograph.

25, 1667, signed by Hillyard Veren,\* cleric, and served by Henery Skerry,\* marshal of Salem.

Execution, dated July 15, 1667, against Capt. James Smith, to satisfy judgment granted Richard Rowland at Salem court, June 25, 1667, signed by Hillyard Veren,\* cleric, and served by Henery Skerry,\* marshal of Salem, by attachment of the fifth part of the land and salt marsh at Cassell hill in Salem, measured by Maj. Hawthorne and John Porter, and also about nine acres of upland and three acres of salt marsh appraised by Mr. Edm. Batter and Mr. John Rucke, the salt marsh at 7li. 10s. per acre and the upland at 30s. per acre, delivered by turf and twig, etc.

Execution, dated Dec. 16, 1667, against Joseph Armytage, to satisfy judgment granted Mr. John Davenport, at Salem court, 26 : 9 : 1667, signed by Hillyard Veren,\* cleric, and served by Henery Skerry,\* marshal of Salem.

Andover births, 1667:—

Joseph, son of Thomas and Sara Abbett, Mar. 16, 1666-7.  
 Mary, daughter of John and Debora Ruse, June 12.  
 Henry, son of Thomas and Hana Chandler, May 28.  
 Elizabeth, daughter of Joshua and Elizabeth Woodman, Feb. 6.  
 John, son of Thomas and Mary Johnson, Feb. 28.  
 Joseph, son of Joseph and Elizabeth Baller, Jan. 26.  
 Philemon, son of William and Mary Chandler, Aug. 24.  
 Robert, son of Robert and Rebecka Ames, Feb. 28.  
 Nehemia, son of George and Sara Abbet, July 20.  
 James, son of Robert and Mary Russell, Sept. 16.  
 Priscilla, daughter of Daniell and Mary Pore, June 22.  
 Hanna, daughter of John and Martha Maston, Feb. 16.  
 Nathaniell, son of John and Mary Lovejoy, May 29.  
 Sara, daughter of John and Mary Osgood, Apr. 7.

Andover deaths, 1667:—

Jacob Farrington, June 29.  
 Steven, son of Steven and Mary Osgood, Oct. 11.  
 Moses, son of Henry and Mary Engolls, Sept. 28.  
 Elizabeth, daughter of John and Rebecka Aslet, Mar. 15.  
 Sara Osgood, widow, Apr. 8.  
 Sara, daughter of John and Mary Osgood, Apr. 22.  
 Elizabeth, daughter of Steven and Elizabeth Johnson, Feb. 4.  
 Joseph, son of Thomas and Sara Abbet, Mar. 7.

Andover marriages, 1667:—

Mark Graves and Elizabeth Farrington, Nov. 12.  
 Jonathan Gadge and Hester Chandler, Nov. 12.  
 John Farnum and Rebecka Kent, Nov. 12.  
 Walter Wright and Susanna Johnson, Feb. 26.  
 Hew Stone and Hanna Foster, Oct. 15.

“For the last yeare I appointed John Saffurd to pay you and this year John Low: and both promised to doe it. Ed. Fawkner.\*”

Autograph.

## Wenham marriages:—

Richard Kemball and Rebeca Abey, 13 : 3 : 1667.  
 Richard Dodg and Marah Eatten, 23 : 12 : 1667.  
 Jonathan Biley and Sarah Gooldsmith, Sept. 29, 1668.

## Wenham births:—

Hanah, daughter of Lot Killim, 16 : 1 : 1667.  
 Trypheana, daughter of John Fairefield, 6 : 2 : 1667.  
 Martha, daughter of John Clarke, 28 : 1 : 1667.  
 Tho., son of John Abey, 5 : 12 : 1667.  
 Tho., son of James Bette, 4 : 11 : 1667.  
 Theophelus, son of Edward Waldern 28 : 1 : 1667.  
 Martha, daughter of Wm. Fiske, 5 : 3 : 1668.  
 Elizabeth, daughter of Antipas Newman, 4 : 4 : 1668.  
 John, son of James Moulton, 4 : 8 : 1668.  
 John, son of James Friend, 11 : 8 : 1668.  
 Daniell, son of Daniell Gott, 15 : 8 : 1668.  
 John, son of Charles Gott, 8 : 9 : 1668.  
 Rebeca, daughter of Richard Kemball, 20 : 10 : 1668.  
 Martha, daughter of Tho. White, 26 : 10 : 1668  
 Debora, daughter of Daniell Killim, 28 : 10 : 1668.  
 Sarah, daughter of John Clark, 14 : 12 : 1668.

## Burials:—

Austen Killim, 5 : 4 : 1667.  
 Als Killim, 18 : 5 : 1667.  
 Charles Gott, 15 : 11 : 1667.  
 Martha Haffield, 22 : 12 : 1667.  
 Benjamin, son of Walter Fairefield, 14 : 7 : 1668.  
 Marget, daughter of Richard Hutton, 21 : 9 : 1668.  
 Eleazer, son of Tho. Fiske, 25 : 9 : 1668.

Attest: Tho. Fiske,\* cleric.

## Newbury births, 1667, returned by Anthony Somerby:\*

—, child of Abiel Somerby, Aug. 2.  
 —, daughter of Benjamin —, Sept. 4.  
 —, daughter of Edward Woodman, Nov. 1.  
 —, son of William Chandler, Dec. 2.  
 Andrew, son of Amos Stickny, Dec. 10.  
 Martha, daughter of James Browne, Dec. 22.  
 Peter, son of Peter Tappan, Dec. 22.  
 Nicholas, son of Peter Cheny, Dec. 23.  
 Thomas, son of Nathaniell Clarke, Feb. 9.  
 Daniel, son of Robert Robinson, Oct. 9.

## Newbury deaths, 1667:—

Lionell Worth, June 29.  
 [Eliza]beth, wife of Anthony Morse, jr., July 29.  
 — am Cottles "neger," Oct. 20.  
 —, daughter of Joseph Coker, Nov. 30.

\* Autograph.

## Rowley births, 1667:—

- Hester, daughter of Jonathan Hopkinson, Apr. 9.  
 An, daughter of Abraham Jewit, June 20.  
 Joseph, son of William Woster, June 20.  
 Edney, daughter of Edward Hazen, June 20.  
 Mary, daughter of John Dreser, jr., July 14.  
 Aquilla, son of Will. Law, July 26.  
 John, son of John Kingsbury, July 28.  
 Samuel, son of Mr. Samuel Shepard, Aug. 19.  
 Sarah, daughter of Samuel Stickney, Oct. 20.  
 Jonathan, son of Berzilla Barker, Nov. 5.  
 Mary, daughter of Daniell Wicome, Nov. 11.  
 Samuel, son of John Teny, Nov. 20.  
 Jonathan, son of Thomas Nelson, Nov. 20.  
 John, son of John Johnson, Jan. 31.  
 Mary, daughter of Mr. Samuell Philips, Feb. 15.  
 Thomas, son of Richard Longhorne, Nov. 27.

## Rowley marriages, 1667:—

- John Hardy and Mary Jackman, Apr. 2.  
 James Barker, jr., and Mary, daughter of William Stickney,  
 May 11.

## Rowley burials:—

- John, son of John Trumble, July 26.  
 John Lambert, Nov. 6.  
 An, wife of Maxemilian Jewit, Nov. 9.  
 Mercy, wife of John Teny, Nov. 27.  
 Mary, wife of Richard Longhorne, Nov. 29.  
 Petter Cowper, Jan. 15.  
 Dorothy, wife of Mr. Samuel Shepard, Feb. 12.  
 William Law buried Mar. —, 1668.

Hanna, wife of Philip Welsh, deposed that being at the house of John Clerke of Wenham at last Salem court time, at the request of said Clerke and his wife, to look after their children. Clerke came home early, leaving his wife at Salem, and soon after he came in, "haveing asked her if she would let him kisse her & she refusing by violence he did kisse her against her will." Sworn, Aug. 20, 1667, before Samuel Symonds.\*

Verdict of a jury of inquest, returned Feb. 24, 1667, upon the death of Pacent Roberds: that Pacent, aged about seven years, and her brother who was between four and five years, were together, and the girl was found lying across two logs upon her back, a log of twenty feet lying upon her when her sister found her. The boy said his sister sat upon a small log under a log fence, and as he was clambering up the fence a log fell upon his sister which caused her death. Signed by Tho. Clarke,\* Edward Chapman,\*

\*Autograph.

Andrew Petters,\* Robert Peirc,\* Robert Lord,\* Jacob Foster,\* John Newmarch,\* John Brown,\* Nathanill Tredwell,\* Freegrace Nortton,\* Robert Duch\* and Joseph Brown.\* Sworn before Daniel Denison.\*

Complaint of John Stevens:\* that when he attached cattle taken by execution from Thomas Chandler and in the possession of Col. Crowne, the latter abused him, saying that he would make him an example for all the constables in New England for attaching cattle in the highway, etc. One Post of Osborne drove them away, etc.

John Stevens, constable, aged about twenty-eight years, deposed that after he attached the cattle of Job Tyler and recovered them, they came to a stand. Post, son-in-law of Tyler, who was with Col. Crowne, asked him why he did not attach the cattle when they were in the yard, etc.

Peter Greenfeld was fined by Wm. Hathorne,\* 10 mo : 1666, for being distempered with drink.

Christopher Milton and Mary Robinson mentioned in a deposition sworn before Daniel Denison.]

Thomas Laughton, clerk of the selectmen of Lynn, petitioned in their behalf, on Nov. 25, 1667, that they be reimbursed for the 7li. 10s. expended in repair of the county bridge in their town.

Search warrant, dated 28 : 9 : 1667, for two oxen of Joshua Rayes which were taken out of their stalls by night, signed by Hillyard Veren,\* cleric.

John Rods and Marke Lovering deposed that Marchant Sprage proffered Ellen Cheard a quart of cider, etc. Betty Haverlen mentioned. Rich. Sevie also deposed. Sworn, 24 : 12 : 1667, before Wm. Hathorne,\* assistant.

Copy of inventory of the estate of Richard Kent, sr., of Newbury, appraised June 29, 1654, by John Sanders and John Bartlett, allowed in Ipswich court, 26 : 7 : 1654, and copy made, Sept. 14, 1667, by Robert Lord,\* recorder: One dwelling house and barne, —; 4 acres of Rye, 5li.; 4 acres of barley, 4li.; one acre and halfe of wheate, 1li.; 3 quarters of an acre of pease, 16s.; 4 acres of Indian corne, 4li.; one orchyard about the house to the value of three acres of land conteineing 82 bearing trees & a nursery, 40li.; 23 acres of tillage about the house, 46li.; 24 acres of pasture land, 12li.; a peell of land bought of Mr. Rawson, 20 acres, 10li.; 17 acres of meddow ground, 17li.; 2 oxen, 14li.; 4 cowes, 20li.; one too yearling steere, 3li.; 3 yearlings, 6li.; 3 calves, 2li. 10s.; 6 swine, 4li.; one bed and boulster & a paire of blanketts & a rugg, 2li. 10s.; one furnace, 7li. 10s.; one dry fatt, 10s.; one muskett, a fowleing peece and birding peece, 1li. 5s.; one sword, 3s. 4d.; 4 Iron potts, 1li.; an ould copper, 2s. 6d.; 4 stocks of Bees, 3li.; 3 Iron wedges, 7s.; 3 beetle Rings, 1s. 6d.; 3 axes, 5s.; 3 hows, 5s.; one frow, 2s.; two paire of pothookes, 2s.; a greediron, 2s.; old iron, 2s. 6d.; a crosebow, 2s. 6d.; a spade, 4s.;

\*Autograph.

Fines returned, Mar. 23, 1667-8, by Major Hathorne:—

On 11 : 9 : 1667, Henry Coleborne, for breach of the peace.

On 10 : 10 : 1667, Elisha Keebe and Rachell Cooke, for uncleanness, to be paid one-half this month and the other half in September. Isaack Cook and Thomas Hodgman bound.

Edward Woolland, for not assisting the marshal.

On 31 : 10 : 1667, Jon. Copp of Marblehead, for swearing and drunkenness, and 18d. to the constable for one to watch him.

Jon. Burges, Nicholas Manning and John Ivery, the latter of Lin, were fined.

Joseph Armitage deposed that being desired by Henry Roads to run the bounds between him and Oliver Purchas, they agreed, Apr. 4, 1666, as follows: from the river at the old field-gate to a stump on which the fence stands and so on a straight line to a fallen tree in the corner of the plow land by a swamp side. Sworn, 26 : 2 : 1666, before Wm. Hathorne. Andrew Mansfield, who was also present, deposed the same. Sworn, 10 : 4 : 1668, before Wm. Hathorne.

one saw, 2s. 6d.; plow Irons, 8s.; a collar & a paire of trases, 6s. 6d.; a frying pan, 2s.; a spitt, 1s. 6d.; a Joyned chaire, 5s.; 2 grubbing hows, 4s.; a paire of scales, 1s.; 2 netts, 10s.; lumber about the house, 16s.; debts due him, 15li. 6s. 6d.; total, 233li. 3s. 4d.

Mary Clark, aged forty years, deposed that being in company with Mrs. Perkins the last summer, the latter told her that when her daughter lived in Boston she had sundry gifts, including a bangle purse, presented to her by the gentlemen who boarded in the house where she lived, and that once she fell down stairs, etc. Also that her daughter had never been well since she came from Boston. Sworn, 24 : 7 : 1667, in Ipswich court.

Gorge Jeferey deposed that being at Mr. Thomas' house, the latter's wife asked her husband for salt and he said she could have salt or anything else in the house. Then her husband asked her for some bread for he was hungry, and she threw a small piece of coarse bread into the house and "away she went." Sworn, Sept. 22, 1667, before Daniel Denison.\*

Copies of depositions of Zacheous Curtis and Susanna Jackson concerning the action against Mary Somes, taken from Ipswich court, Sept., 1660, made by Robert Lord,\* cleric.

Realph Farnem, jr., aged about thirty years, deposed that there being discourse about a small parcel of land, that Martha Carrier's husband was to have granted him by the town of Andover. Ben-jamine Abbott opposed the grant and Goodwife Abbot threatened

\* Autograph.

that she would hold his nose as close to the grindstone as ever it was since his name was Benjamine Abbot. Sworn in court.

Copy of several Newbury grants, taken out of the town book by Anthony Somerby:\* To John Goffe, a field lot of 50 acres of upland and meadow, bounded by William Ilsly on the southwest, John Cheny and the creek on the east and common land on the west; to John Cheny, 40 acres, bounded by John Goffe on the southwest, Henry Sewall, jr., on the north, the creek on the east and the common on the west; to Mr. Henry Sewall, jr., 30 acres, bounded by John Cheny on the southwest, John Remington on the north, the creek on the east and the common on the west.

\*Autograph.



## INDEX.

- Abbie, Abey, John, 355, 384, 468.**  
     Rebecca, 468.  
     Thomas, 468.  
**Abbott, Abbet, Abbitt, Abbot, Abot**  
     —, 161, 471.  
     Arthur, 286, 287, 300.  
     Benjamin, 471, 472.  
     George, 45, 132, 153, 229, 375, 467.  
     Joseph, 467.  
     Mary, 160.  
     Nehemiah, 160, 172, 467.  
     Sarah, 450, 467.  
     Thomas, 46, 132, 227, 467.  
     Walter, 59, 62, 450.  
**Aborne, Aburne, Ebborne, Ebern,**  
     Ebora, Eborne, Catherine, 69,  
     70.  
     Hannah, 69.  
     James, 69.  
     Mary, 16, 69, 70.  
     Moses, 69, 415, 417.  
     Rebecca, 69, 368, 380.  
     Samuel, 16, 68, 69, 102, 368, 380,  
     413-418, 454.  
     Sarah, 69.  
 Absence from meeting, *see* Crimes.  
 Abusive speeches, *see* Crimes.  
**Acie, Aey, Assee, Axy, Axy, James,**  
     6, 367, 380, 381.  
     John, 80, 197, 241, 300, 389.  
     William, 21, 182, 197, 270.  
**Adams, Addams, Elizabeth, 118.**  
     John, 119, 150, 304, 351, 353, 401,  
     453.  
     Nathaniel, 241, 304.  
     Robert, 21, 126, 195.  
     William, 271, 351, 453.  
**Adkins, John, 90.**  
 Administrations, *see also* Wills.  
**Administrations.**  
     Anaball, John, 203.  
     Antrum, Obadiah, 265, 377.  
     Archard, Samuel, 460.  
     Balch, John, 47.  
     Barnes, Thomas, 135, 173.  
     Bartoll, John, 223.  
     Beadle, Samuel, 179.  
     Beard, William, 136.  
     Bennet, John, 76.  
     Blasdale, Elizabeth, 452.
- Administrations.**  
     Bradstreet, John, 191, 290.  
     Bray, Richard, 318, 319.  
     Brown, Jonathan, 427.  
     Calie, John, 94.  
     Chase, Thomas, 281.  
     Cockerill, Elizabeth, 162.  
     Coleman, John, 227, 264.  
     Collings, Gabriel, 255.  
     Comins, John, 80, 110.  
     Coul, William, 3, 100.  
     Deale, William, 280.  
     Eastwick, Edward, 339.  
     Farrington, John, 336.  
     Fearemayes, Benjamin, 290, 339,  
     378.  
     Fraile, George, 136.  
     Gardner, William, 96.  
     Giggles, Elizabeth, 446.  
     Goose, William, 138, 176.  
     Gutterson, William, 351.  
     Harwood, Henry, 178.  
     Hayward, Nehemiah, 279.  
     Hill, Valentine, 1.  
     Humphries, John, 81, 106, 107,  
     109.  
     James, Thomas, 338.  
     Jones, Isaac, 251.  
     Lambert, John, 453.  
     Lambert, Jonathan, 152.  
     Legatt, John, 250.  
     Peaslee, Joseph, 62.  
     William, 62.  
     Preist, James, 191.  
     Preston, Roger, 309.  
     Rayner, William, 342.  
     Read, Robert, 150.  
     Thomas, 76.  
     Roberds, Robert, 94.  
     Rogers, Robert, 135.  
     Rowell, Valentine, 1, 3.  
     Safourd, Thomas, 401.  
     Sandy, Arthur, 374.  
     Scudder, Thomas, 289.  
     Seers, Alexander, 431.  
     Sharpe, Alice, 448.  
     Samuel, 375.  
     Simons, William, 451.  
     Slather, John, 267.  
     Smith, Hugh, 400.

- Administrations.  
   Smith, George, 14.  
   Sollas, Grace, 174.  
   Thomas, 79.  
   Spoonner, Thomas, 219.  
   Stuart, William, 180, 181.  
   Swain, Francis, 250.  
   Tuck, Robert, 200, 251, 252.  
   Tucker, Nicholas, 191, 263.  
   Whiple, Matthew, 78, 79.  
   White, Richard, 181.  
   Wiett, Elias, 335.  
   Wight, Thomas, 250.  
   Willcock, Samuel, 451.  
   Winsley, Samuel, 101.  
 Adultery, *see* Crimes.  
 Agawam, Sagamore of, 400.  
 Aldrous, Eliakim, 68.  
 Alewives, *see* Fish.  
 Aley, Giles, 208.  
 Allicecke, Alicut, —, 360.  
   Joseph, 399.  
 Alldridge, Aldregh, John, 442.  
   Joseph, 443.  
 Allen, Alen, Aling, Allcyn, Allin,  
   Alling, Allyn, —, 464.  
   Edward, 66, 333, 354.  
   Hope, 395.  
   James, 463, 465.  
   John, 331, 421.  
   Joseph, 47.  
   Mary, 47.  
   Onesiphirus, 228.  
   Peter, 227.  
   Samuel, 367.  
   Thomas, 385.  
   William, 6, 73, 80, 113, 117, 175,  
   203, 207, 220, 291, 315, 387, 454.  
 Ames, Rebecca, 467.  
   Robert, 467.  
 Anderson, Arzbell, 16.  
 Andirons, *see* Utensils.  
 Andover, 12, 23, 27-29, 33, 39, 46,  
   85, 118, 132, 151, 166, 168, 184,  
   215, 226, 227, 240, 246, 254, 259  
   265, 266, 275, 295, 375, 442,  
   443, 463, 467, 471.  
 Andover, vital records of, 295, 467.  
 Andrews, Andrewes, Andros, An-  
   drus, —, 159, 197, 458.  
   Elizabeth, 163.  
   John, 46, 56, 76, 84, 125, 159, 162-  
   166, 228, 345, 360, 399, 400.  
   Robert, 126, 163, 164, 235, 386,  
   444.  
   Sarah, 46, 47, 56.  
   Thomas, 76, 104, 125, 153, 159,  
   162-166, 361.  
   William, 399, 400, 412, 446.  
 Animals, *see also* Skins.  
   Animals (domestic), 355, 356, 357,  
   358, 361, 362, 363, 402, 436,  
   449, 453.  
   Ass, 313, 411.  
   Beasts, 252, 382, 455, 458.  
   Boar, 354.  
   Bullocks, 228, 256, 305, 316, 404.  
   Bulls, 77, 126, 223, 267, 411.  
   Calves, 19, 22, 63, 64, 69, 83, 95,  
   113, 115, 148, 201, 219, 232,  
   252, 266, 267, 283, 289, 316,  
   339, 340, 351, 354, 361, 372,  
   380, 382, 401, 402, 411, 428,  
   434, 442, 470.  
   Cats, 121.  
   Cattle, 2, 9, 10, 13, 19, 22, 31, 36,  
   45, 46, 61, 69, 72, 77, 82, 86, 96,  
   113, 115, 122, 123, 126-130,  
   132, 138, 151, 181, 187, 188,  
   199, 201, 204, 221, 228, 233,  
   236, 241, 248, 255, 258, 286,  
   289, 291, 300, 304, 305, 315,  
   320, 324, 330, 359-362, 366,  
   367, 368, 373, 378, 392, 395,  
   396, 403-405, 409, 411, 429,  
   430, 442, 449, 470.  
   Colts, 4, 16, 26, 27, 31, 57, 63, 64,  
   69, 72, 73, 83, 115, 123, 126,  
   127, 128, 185, 186, 232, 238,  
   248, 255, 286, 289, 300, 316,  
   337, 340, 342, 353, 354, 361,  
   370, 371, 377, 382, 396.  
   Cows, 1, 7, 9, 11, 16, 19, 20, 22,  
   54, 55, 61, 63, 64, 69, 78, 79,  
   83, 90, 91, 95, 99, 113-115, 129,  
   132, 148, 158, 162, 163, 165,  
   167, 173, 174, 176, 177, 180,  
   181, 193, 200, 201, 219, 222,  
   223, 228, 232, 236, 252, 257,  
   267, 269, 272, 274, 283, 289,  
   291, 300, 305, 314, 316, 324,  
   333, 335-337, 339, 340, 342, 351,  
   357-359, 361, 367, 369, 372,  
   373, 377-380, 382, 283, 392,  
   396, 401, 402, 406, 410, 411,  
   424, 425, 427-430, 433, 434,  
   442, 463, 464, 470.  
   Dogs, 105, 132, 133, 274, 283,  
   305, 396.  
   Ewes, 95, 177, 232, 303, 336, 340,  
   396.  
   Geldings, 128, 354.  
   Heifers, 19, 22, 23, 61, 69, 76, 81,  
   83, 91, 115, 148, 158, 213, 214,  
   219, 235, 252, 266, 267, 286,  
   300, 314, 324, 325, 340, 354,  
   356, 361, 370, 379, 396, 401,  
   402, 411, 428, 434.  
   Hogs, 19, 33, 40, 86, 144, 221, 260,  
   271, 305, 316, 359, 430, 462.

- Animals (domestic).  
 Horses, 2, 22, 26, 27, 31, 50, 54, 57, 63, 64, 69, 77, 82, 83, 86, 95, 99, 113, 118, 122, 123, 126-129, 132, 133, 144, 160, 161, 165, 173, 195, 213, 215, 219, 232, 238, 244, 252, 254, 267, 273, 274, 284, 289, 290, 291, 300, 305, 317, 318, 331, 332, 333, 337, 351, 353-355, 359, 371, 374, 388, 394, 415, 427, 428, 429, 434, 435, 444, 446, 451, 455, 456, 460, 462-464.  
 Lambs, 20, 95, 177, 232, 316, 336, 340, 396, 433.  
 Live stock, 436.  
 Mares, 9, 11, 16, 19, 26, 31, 57, 58, 63, 69, 73, 77, 82, 83, 95, 108, 115, 123, 126-128, 131-133, 146, 180, 228, 232, 237, 248, 252, 266, 267, 273, 289, 292, 307, 326, 337, 340, 342, 353, 354, 355, 359, 361, 371, 377, 379, 382, 411, 428, 434, 463.  
 Oxen, 9, 11, 19, 34, 46, 63, 64, 74, 77, 83, 95, 106, 115, 131, 132, 151, 167, 184, 201, 219, 228, 232, 256, 257, 267, 285, 289, 302-305, 308, 336, 347, 361, 377, 382, 392, 411, 428, 434, 440-442, 454, 459, 470.  
 Pigs, 19, 78, 83, 95, 99, 105, 140, 144, 183, 201, 268, 316, 359, 375, 403, 433, 464.  
 Rams, 95, 396.  
 Sheep, 20, 58, 63, 64, 95, 115, 181, 219, 236, 283, 314, 315, 316, 360, 382, 395, 396, 411, 428, 429, 433.  
 Shots, 20, 61, 144, 180, 181, 252, 336, 351.  
 Sows, 20, 99, 105, 201, 254, 255, 268, 278, 351, 275.  
 Steers, 55, 63, 64, 69, 73, 77, 95, 96, 114, 115, 123, 125, 126, 181, 201, 219, 256, 267, 273, 286, 303, 316, 336, 340, 353, 355, 367, 379, 380, 392, 428, 470.  
 Swine, 4, 11, 12, 20, 55, 63, 64, 76, 78, 83, 95, 113, 115, 162, 173, 176, 177, 193, 201, 219, 223, 232, 248, 258, 267, 268, 283, 289, 314, 336, 340, 379, 382, 396, 411, 425, 429, 434, 449, 470.  
 Animals (wild).  
 Bear, 396.  
 Beaver, 301.  
 Deer, 301.  
 Wolves, 388, 396, 424.
- Annable, Anaball, Aniball, —, 71, 242.  
 Anna, 203, 241.  
 John, 151, 152, 203, 226, 241.  
 Mathew, 151, 152.  
 Annis, Charles, 385.  
 Curmac, 385.  
 Annisquam river, 442.  
 Antrum, Anthru, Antrim, Martha, 377, 395.  
 Obadiah, 72, 265, 321, 377.  
 Thomas, 65, 72, 83, 341.  
 Apples, *see* Food.  
 Appleton, Apleton, John, 56, 229, 271, 345.  
 Samuel, 21, 228, 299, 356, 436.  
 Apprentices, 59, 62, 78, 101, 116, 117, 172, 188, 200, 202, 213, 309, 363, 365, 366, 411, 453.  
 Aprons, *see* Clothing.  
 Archer, Archard, Henry, 93, 133, 181, 436.  
 John, 324, 344, 463.  
 Samuel, 6, 14, 21, 56, 76, 104, 105, 108, 118, 155, 156, 167, 179, 180, 204, 207, 210, 211, 217, 222, 256, 257, 260, 261, 276, 283, 296, 297, 330, 335, 338, 339, 342, 382, 420, 460, 463.  
 Susanna, 460.  
 Armitage, John, 285.  
 Joseph, 7, 106, 108, 236, 258, 269, 344, 351, 397, 401, 456, 467, 471.  
 Rebecca, 268.  
 Timothy, 285.  
 Arms, *see* Weapons.  
 Arrington, *see* Errington.  
 Artichoke river, 126, 127.  
 Artwicke, William, 107.  
 Ashby, Ashbe, Ashbie, Anthony, 74, 203, 227, 239, 281, 348, 349, 352, 353, 420, 421, 464.  
 Edmond, 228.  
 Ashley, Thomas, 331.  
 Aslet, Aslett, Aslit, Elizabeth, 467.  
 John, 118, 254, 389, 467.  
 Rebecca, 467.  
 Assault, *see* Crimes.  
 Asse brook, 406.  
 Asses, *see* Animals (domestic).  
 Atkinson, Adkeson, Attkinson, John, 70, 97, 98, 139, 192, 240, 329, 339, 352, 382.  
 Augers, *see* Tools.  
 Austin, Asten, Austine, Austone, Anthony, 30, 124, 213-215, 294, 300, 330, 387, 388, 390, 426.  
 chard, 294.

- Avery, Averie, Avry, Sara, 66, 118.  
 Thomas, 191.
- Averill, Averell, Avril, Hannah, 386.  
 Job, 386.  
 John, 399.  
 Thomas, 191, 386.  
 William, 336, 386.
- Axes, *see* Tools.
- Ayres, Ayers, Ayre, Eyer, Eyers,  
 John, 84, 145, 200, 201, 279,  
 299, 330.  
 Hannah, 200-202.  
 Mary, 200, 201.  
 Nathaniel, 133, 200, 201.  
 Obadiah, 200, 201.  
 Peter, 145, 201, 390.  
 Rebecca, 200.  
 Robert, 200, 201, 450-452.  
 Samuel, 305.  
 Thomas, 200, 201, 451.
- B**abbadge, Babridge, Christopher,  
 269, 367.
- Babson, James, 40.
- Bacon, *see* Food.
- Badger, John, 293, 295, 385.
- Bagly, Orlando, 63, 64.  
 Sarah, 64, 385.
- Bags, *see* Utensils.
- Bailey, Bailely, Baly, Bayley, Bayly,  
 Baylye, —, 230, 426, 459.  
 James, 30, 84, 123, 233, 234, 239,  
 240, 295, 353, 387, 436.  
 John, 127, 228, 293, 436, 449.  
 Jonathan, 295.  
 Sara, 293.  
 Theophilus, 6, 162, 218, 281, 289,  
 375, 459.
- Baker, —, 23, 68, 71, 85, 96, 135,  
 159, 180, 194, 195, 242, 244,  
 273, 309, 355, 402.  
 Cornelius, 296.  
 Edward, 454.  
 John, 265, 321, 352, 395, 446.  
 Thomas, 138, 182, 183, 228, 307,  
 371, 387.  
 William, 218.
- Balch, Benjamin, 47.  
 John, 47, 273.  
 Mary, 47.
- Baldin, Boldin, Arabella, 461, 466.
- Ballerd, Ballord, Elizabeth, 467.  
 Joseph, 295, 467.  
 William, 12.
- Balston, *see* Baulston.
- Bancroft, Thomas, 180, 321.
- Barbadoes, 92, 93, 168, 170, 171,  
 324, 369, 370, 376.
- Barber, William, 331, 416.
- Barberries, *see* Food.
- Barefoot, Barefoote, Barfoot, Barr-  
 foot, Barfut, —, 63, 195, 197.  
 Capt., 106, 196, 347, 452.  
 Walter, 1, 48, 58, 76, 90, 182,  
 194, 196, 239, 319, 450.
- Barker, —, 275.  
 Barzilla, 384, 386, 469.  
 Grace, 295.  
 James, 21, 84, 270, 295, 344, 363,  
 384, 387, 411, 436, 469.  
 Jonathan, 469.  
 Mary, 360.  
 Richard, 45, 46, 227, 344, 387.  
 Robert, 223.
- Barley, *see* Food.
- Barnard, Nathaniel, 251-253, 319,  
 320.  
 Thomas, 145-148, 247, 253, 363,  
 450.
- Barnes, Barns, Benjamin, 173.  
 Lawrence, 182.  
 Mary, 135, 173, 378.  
 Thomas, 135, 173, 333.  
 William, 97, 147, 316.
- Barnett, Thomas, 56, 62, 202, 408.
- Barney, Jacob, 154, 386, 413.
- Barns, *see* Buildings.
- Barrels, *see* Utensils.
- Barrett, Elizabeth, 422, 423.  
 John, 145.
- Barsham, John, 44.
- Bartholmew, —, 225, 376, 378,  
 463.  
 Henry, 177, 178, 179, 203, 204,  
 207, 216, 237, 260, 261, 262,  
 281, 288, 289, 294, 296, 370,  
 377, 379, 387, 464.  
 William, 169, 170.
- Bartiboe, Peter, 170.
- Bartlett, Faithful, 107, 108.  
 John, 63, 127, 131, 157, 228, 299,  
 470.  
 Nicholas, 269.  
 Robert, 343, 436.
- Bartoll, Daniel, 223.  
 Faithful, 107, 108.  
 John, 6, 15, 73, 109, 156, 177, 222,  
 223, 257.  
 Parnell, 222, 223, 257.  
 William, 209, 438.
- Baskets, *see* Utensils.
- Bass river, 7, 105, 221, 263, 352,  
 369.
- Bass river side, 466.
- Bassett, Basset, William, 203, 258,  
 335, 345.
- Batchelder, Bachelder, Bachelour,  
 Bachiler, Bachilor, Batcheller,  
 Batchelour, —, 12, 13, 60,  
 255, 357, 404, 411.

- Batchelder, Henry, 12, 17, 70, 91,  
     96, 403.  
     John, 373, 384, 385.  
     Mark, 74, 108, 203, 242, 454.  
     Nathaniel, 3, 148, 198, 253, 365,  
     406, 451.  
 Bately, Clement, 385.  
 Bates, Baites, Batts, —, 94, 182.  
     Francis, 65, 218, 403.  
     Richard, 93.  
 Batson, Henry, 170.  
 Batt, Batts, William, 459-461.  
 Batter, Batters, —, 86, 109, 211,  
     225, 376, 417.  
     Edmond, 8, 9, 17, 18, 65, 72, 74,  
     76, 81, 85, 96, 106, 109, 110,  
     115, 177, 190, 191, 218, 219,  
     220, 222, 223, 261, 262, 265,  
     275, 276, 292, 294, 296, 307,  
     321, 339, 341, 342, 366, 373,  
     374, 377, 378, 383, 384, 388,  
     416, 419, 425, 434, 439, 440,  
     445, 463, 467.  
 Battery, 427.  
 Baulston, Jonathan, 334.  
 Bay, the, 35, 411.  
 Bay of Fortune, 301.  
 Beaches, 147, 248, 249, 253, 318.  
 Beachin meadow, 46.  
 Beaconfield, Eng., 93.  
 Beadle, Bedle, Daniel, 422.  
     Dorothy, 179.  
     Elizabeth, 179.  
     Nathaniel, 179.  
     Samuel, 179.  
     Thomas, 179.  
 Beaford, Beeford, Beaver, Befer,  
     Bevour, George, 136.  
     John, 143, 144.  
     Richard, 81, 327, 390-392.  
 Beale, —, 420.  
     Martha, 356, 414, 419.  
     William, 263, 265, 296, 307, 309,  
     334, 368, 369, 414, 419, 443.  
 Beans, Indian, *see* Food.  
 Bear, *see* Animals (wild).  
 Beard, William, 136.  
 Beating, *see* Crimes.  
 Beaver, *see* Animals (wild).  
 Becke, William, 41, 42, 370.  
 Beckett, —, 334.  
     John, 43, 44, 298, 330, 370.  
 Bedding, *see* Furnishings.  
 Bedsteads, *see* Furniture.  
 Bee hives, 336.  
 Beef, *see* Food.  
 Beer, *see* Drinks.  
 Beere, Beare, Philip, 102, 286, 287,  
     300.  
 Bees, 356, 470.  
 Beetle, Robert, 130.  
 Beetles, *see* Tools.  
 Belcher, Belshar, Sergt., 66.  
     Gregory, 256.  
     Jeremiah, 156, 212, 218, 270, 271,  
     273, 292, 353, 373, 387, 424,  
     456.  
 Belconger, John, 385.  
     Mary, 385.  
 Belknap, Samuel, 379.  
 Bellingham, John, 107.  
     Richard, 9, 204, 304, 322, 323,  
     350.  
 Bellows, *see* Utensils.  
 Bells, 121, 358.  
 Bennett, Benet, Benit, Bennet,  
     Bennit, —, 62, 267, 279.  
     Aaron, 228.  
     Anthony, 266, 267.  
     Elizabeth, 266.  
     Henry, 84, 247, 270, 271, 302,  
     303, 313, 315.  
     John, 76.  
     Margaret, 76, 157, 158, 414, 419,  
     420, 443.  
     Samuel, 9-11, 75, 104, 106, 109,  
     158, 159, 258, 284, 285, 290,  
     292, 330.  
     William, 113, 292, 459.  
 Benson, George, 14.  
 Berdly, Burdley, Giles, 90, 315.  
 Bette, James, 344, 384, 468.  
     Thomas, 468.  
 Beverly, *see* Bass river.  
 Bex, John, 42.  
 Bibles, *see* Books.  
 Bickford, Bigford, Christian, 376.  
     George, 376, 377.  
 Biggs, Thomas, 1.  
 Bigsby, Biggsbye, Bigsbye, Joseph,  
     96, 150, 336.  
 Biley, Jonathan, 468.  
 Billerica, 256.  
 Billings, John, 57, 58.  
 Bird, *see* Burd.  
 Birdly, *see* Berdly.  
 Birds, *see also* Fowls.  
 Birds, Crow, 334.  
 Birkehead, George, 170.  
 Biscuit, *see* Food.  
 Bishop, Bishope, Bushop, Bushopp,  
     —, 54, 90, 118, 175, 243, 245,  
     324, 341, 372, 387.  
     Benoni, 43.  
     Edmond, 386.  
     Edward, 117.  
     Job, 244-247.  
     John, 75, 88, 118, 190, 439, 443.  
     Margaret, 189.  
     Mary, 189, 244, 246, 247, 309.

- Bishop, Rebecca, 51.  
   Richard, 154.  
   Samuel, 346.  
   Thomas, 21, 56, 119, 142, 150,  
     163, 165, 189, 198, 228, 245-  
     247, 270, 272, 309, 335, 348,  
     349, 358, 361, 387, 388, 399,  
     412.  
 Bixby, *see* Bigsby.  
 Black, Blacke, —, 386.  
   Daniel, 131, 160, 192-194, 242,  
     386, 430.  
   Faith, 131, 192.  
   George, 327, 391, 392.  
 Blackledge, Blacklech, —, 117,  
   331.  
 Blackstaff, 219, 329, 442.  
 Bladder, 419.  
 Blake, Daniel, 192.  
   Faith, 194.  
   George, 327, 391.  
 Blankets, *see* Furnishings.  
 Blany, Bleana, John, 159, 160, 177.  
 Blasdale, Blasdall, Elizabeth, 452.  
   Henry, 144, 198.  
 Bleven, Blevein, John, 20, 116, 223,  
   293, 343, 386.  
 Blindness, *see* Diseases.  
 Blith, —, 285.  
   Rebecca, 269.  
 Blood, Richard, 380.  
 Bloomfield, Blomfill, Blumfield,  
   Thomas, 27, 28, 92, 185, 213,  
   214, 237, 238, 354.  
 Blower, John, 63.  
 Bly, Blye, John, 118, 178, 226.  
   Rebecca, 178.  
 Board and lodging, 96, 147, 284,  
   285, 298, 306, 332, 355, 360,  
   417, 438, 450, 471.  
 Boards, *see* Manufactures.  
 Boat, *see* Vessels.  
 Bodices, *see* Clothing.  
 Bodkin, *see* Tools.  
 Boen, Thomas, 297.  
 Bolton, Boulton, William, 293.  
   392, 393, 425, 426.  
 Bond, Bonde, —, 50, 84, 144.  
   Elizabeth, 257.  
   Hester, 5, 44, 51, 66, 70, 98.  
   John, 5, 188, 237, 354.  
   Joseph, 153, 257, 272.  
 Boniface, John, 343.  
 Bonfield, George, 183.  
   Rebecca, 356.  
 Books, 19, 73, 78, 115, 173, 178, 181,  
   219, 230, 270, 316, 351, 356,  
   357, 358, 360-363, 375, 429,  
   433, 436, 448, 464.  
 Books.  
   Bibles, 62, 73, 115, 162, 163, 165,  
     223, 254, 266, 267, 316, 356,  
     359, 360, 361, 362, 381, 403,  
     447, 449, 464.  
   Burrough's books, 79, 174.  
   Common prayer book, 312.  
   Dr. Gouge's book, 449.  
   Good Christ, 360.  
   Hyeling's Geographia, 360.  
   Law book, 238.  
   Library, 72, 232.  
   Mr. Corbet's book, 356.  
   Mr. Dod's book, 449.  
   Mr. Norton's book, 356.  
   Mr. Perking's book, 449.  
   Perkins upon the Creed, 359.  
   Physic books, 360.  
   Psalm books, 174.  
   Record books, 355.  
   Sermon books, 356, 360.  
   The Orthodox Evangelist, 360.  
   The Soul's Preparation for Christ,  
     359.  
 Booteman, Jeremiah, 460.  
 Boots, *see* Clothing.  
 Borax, *see* Manufactures.  
 Borman, Boreman, Bornum, Boor-  
   man, Bourman, Daniel, 270,  
   271, 386.  
   Hannah, 270, 386.  
   Thomas, 142, 270, 271, 346, 386.  
 Boston, 4, 6, 9, 16, 30, 42, 57, 58,  
   70, 71, 76, 92, 93, 96, 99, 101,  
   103, 105, 108, 110, 111, 117,  
   120, 141, 150, 155-157, 167,  
   168, 171, 204, 208-211, 218,  
   226, 227, 239, 240, 254, 260,  
   261, 273, 278, 284-286, 288,  
   297, 300, 302, 304, 306, 307,  
   319, 322, 324, 331-335, 347-  
   350, 352, 353, 369, 370, 383,  
   394, 398, 417, 427, 434, 437,  
   441-444, 457, 463, 464, 471.  
 Bosworth, Abigail, 97.  
   Haniel, 91, 96, 97.  
 Bottles, *see* Utensils.  
 Boud, Boude, Bowed, Bowd, —,  
   297.  
   Joseph, 80, 81, 110, 172, 180,  
   265, 285, 395.  
 Boulter, Boultor, —, 64.  
   Nathaniel, 4, 97-99, 101, 102, 145,  
   202, 257, 249, 280, 318, 363,  
   364, 404, 406, 410, 451.  
 Bound, William, 334, 335.  
 Bourne, John, 343.  
 Bowen, *see* Boen.  
 Bowls, *see* Utensils.

- Boyce, Boice, Boyes, Boys, Boyse,  
     —, 28.  
     Antipas, 1, 169, 170.  
     Elizabeth, 117.  
     Esther, 117.  
     Joseph, 20, 109, 117, 223, 292,  
         340, 343, 379, 386.  
     Matthew, 229, 230, 231, 233-  
         235, 296.  
     John, 265.  
 Boynton, John, 295.  
     Joshua, 26.  
     William, 84, 295.  
 Boxes, *see* Furniture.  
 Brabiner, Alexander, 31.  
 Brabrooke, Brabrook, John, 4.  
     Richard, 28, 74, 87, 245, 270, 372,  
         426, 457.  
 Brackenbury, Brakenbury, Richard,  
     78.  
     William, 290.  
 Bradbury, —, 63.  
     Capt., 250, 452.  
     Judith, 293.  
     Thomas, 2, 4, 57, 59-64, 98, 102,  
         123, 146, 148, 149, 199, 200,  
         202, 247, 250, 251, 253, 281,  
         319, 320, 364, 365, 405, 406,  
         408, 421, 423, 454.  
     Wymond, 316, 383, 404, 405.  
 Bradford, Robert, 209.  
 Brading, James, 157, 223, 261.  
 Bradley, Bradly, Daniel, 34, 36.  
     Joshua, 34, 197.  
 Bradstreet, Bradstreete, Broad-  
     street, —, 6, 45, 100, 119,  
         132, 170, 171, 184, 250, 259,  
         309.  
 Bridget, 356.  
     John, 183, 191, 290.  
     Moses, 183, 191, 309, 354, 356.  
     Simon, 5-7, 12, 21, 27, 35, 37-40,  
         44-46, 58, 59, 67, 73, 76, 84, 92,  
         121, 131, 133, 154, 161, 162,  
         167-169, 182, 184, 203, 204,  
         207, 212, 213, 228, 245, 246,  
         256, 258, 265, 270, 275-278,  
         281, 284, 299, 307, 321, 325,  
         344, 362, 366, 387-389, 395-  
         397, 413, 422, 423, 427, 430,  
         436, 442, 446, 454.  
 Bragg, Edward, 97, 182, 344, 387.  
 Braintree, 41, 256.  
 Brandy, *see* Drinks.  
 Brattle, Thomas, 169, 170, 383.  
 Bravender, Alexander, 274.  
 Bray, Brey, —, 410.  
     John, 365.  
     Mary, 144, 318, 364, 365.  
     Richard, 56, 318, 364.  
 Bread, *see* Food.  
 Brear, Richard, 297.  
 Breeches, *see* Clothing.  
 Breed, Brad, Bread, Breade, Allen,  
     19, 24, 30, 32, 33, 162, 165, 203,  
     226, 281, 348.  
 Breeden, Bredon, Breedon, —,  
     331.  
     Capt., 458.  
     Thomas, 305, 306, 307.  
 Brewer, Crispas, 367.  
     John, 150, 151, 299, 424.  
     Mary, 140.  
 Briant, Brian, —, 287.  
     John, 220, 226.  
     Thomas, 287.  
 Bricklayer, *see* Trades.  
 Bricks, *see* Manufactures.  
 Bridewell, 224.  
 Bridges, —, 444.  
     Capt., 460.  
     Edmond, 96, 97, 138, 160, 161,  
         171, 182, 183, 192-194, 197,  
         273, 306, 312, 335, 339, 382,  
         386, 393, 398, 425, 445, 466.  
     Edward, 371.  
     Hackaliah, 444, 459.  
     John, 160, 161, 398, 445.  
     Mary, 398.  
     Obadiah, 193, 321, 352, 398, 444,  
         448.  
     Sarah, 138.  
 Bridges, 5, 15, 17, 56, 79, 94, 136,  
     251, 280, 305, 308, 320, 357,  
     399, 409, 412, 417, 435, 451,  
     453, 470.  
 Bridges, *see also* Drawbridge.  
 Bridgewater, 380.  
 Brimblecom, Brembelcom, John,  
     102, 297.  
 Brisco, Briscoe, —, 159.  
     Benjamin, 32.  
     Nathaniel, 169, 170.  
 Bristol, 417, 418.  
 Broadcloth, *see* Cloth.  
 Brocklebank, Brocklebanke, Eliza-  
     beth, 363.  
     John, 145, 182, 239, 240, 300,  
         357, 363, 384.  
     Samuel, 29, 30, 47, 124, 144, 145,  
         166, 190, 230, 234, 240, 296,  
         300, 357, 363, 384, 401, 411.  
 Brooms, *see* Tools.  
 Broughton, —, 171.  
     Thomas, 92, 168, 169.  
 Brown, Browne, —, 41, 42, 82,  
     83, 109, 117, 158, 159, 167, 175,  
     180, 181, 185, 186, 226, 269,  
     296, 344, 382, 426, 462.  
 Sergt., 226.

- Brown, Abigail, 293.  
 Abiel, 427, 464.  
 Abraham, 463.  
 Charles, 22, 23, 145.  
 Elizabeth, 293, 417, 419.  
 Francis, 126.  
 G., 450.  
 George, 101, 251, 272, 409.  
 Henry, 149, 251, 315.  
 James, 256, 293, 321, 378, 383,  
 413, 421, 464, 465, 468.  
 John, 3, 97, 99, 148, 247, 285, 363,  
 375, 413, 436, 464, 465, 470.  
 Jonathan, 321, 330, 338, 344, 427,  
 463-466.  
 Joseph, 139, 141, 161, 470.  
 Lydia, 398, 399.  
 Martha, 468.  
 Mary, 22, 112, 180.  
 Nicholas, 373, 382, 389, 437.  
 Philip, 124, 203.  
 Thomas, 258, 273, 282, 297, 298,  
 374, 454.  
 William, 18, 77, 78, 80, 156, 157,  
 177, 210, 220, 222, 223, 225,  
 256, 294, 319, 330, 337, 339,  
 349, 371, 377, 378, 428, 454,  
 458, 463.
- Browning, Deborah, 386.  
 Thomas, 386.
- Brownson, John, 245, 246.
- Bruce, James, 101.
- Brummidge, Edward, 277, 454.
- Brushes, *see* Tools.
- Bryer, Brirs, Eleanor, 309.  
 Richard, 293, 294, 321, 413.
- Buckley, Buckly, William, 35, 66,  
 125.
- Bucks, Eng., 93.
- Bud, Samuel, 287.
- Buffum, Bufum, —, 386, 462,  
 466.
- Damaris, 435.  
 Joseph, 343, 381.  
 Joshua, 111, 224, 275, 276, 293,  
 462, 466.  
 Robert, 19, 116, 223, 293, 343.  
 Sara, 17.
- Buildings, construction, etc.  
 Barns, 8, 9, 10, 11, 36, 63, 64, 66,  
 71, 72, 75, 89, 95, 96, 105, 127,  
 153, 154, 160, 183, 200, 202,  
 204, 232, 238, 239, 252, 256,  
 275, 377, 278, 292, 297, 299,  
 303, 305, 307, 315, 316, 336,  
 341, 342, 345, 355, 356, 357,  
 358, 361, 362, 392, 393, 401,  
 402, 408, 411, 417, 428, 429,  
 436, 449, 453, 470.
- Boards, *see* Manufactures.
- Buildings, construction, etc.  
 Brewhouse, 213, 430.  
 Cabin, 301.  
 Casements, 392, 423.  
 Chimneys, 286, 392.  
 Clapboards, 192, 323, 377, 392.  
 Cottage, 458.  
 Cowhouse, 54, 156, 157, 204, 222,  
 336, 430, 432.  
 Custom house, 395.  
 Frames, 217, 218, 392.  
 Frog, 266.  
 Glass, 392, 393.  
 Hinges, 392.  
 Hooks, 392.  
 Houses, 2, 7, 10, 12, 14, 17-19,  
 20, 23, 24, 26, 29, 31-39, 41, 42,  
 45, 46, 49-51, 53, 55, 61, 63-68,  
 71, 72, 75, 76, 78-80, 82, 83, 85-  
 88, 90, 95-98, 103-106, 113-115,  
 119-121, 123, 124, 131, 132,  
 134, 137, 138, 140, 141, 144,  
 146-151, 153, 154, 156-158,  
 161, 162, 167, 173-177, 179,  
 181, 183, 184-190, 192-196, 198-  
 202, 204, 207, 209, 210, 211,  
 214, 217, 219, 221, 222, 224-  
 226, 229, 232, 234-240, 242-  
 244, 246, 248, 249, 251-253,  
 255, 260-262, 264, 265-274, 276-  
 279, 282, 283, 285, 286, 288-  
 292, 295, 296, 298-301, 303-  
 308, 311, 314-316, 318, 322,  
 323, 326, 329-336, 338-342,  
 345-347, 349, 350, 352, 355,  
 357-359, 361-365, 367-369, 372,  
 373, 375, 377, 379, 382, 383,  
 387-393, 395, 397, 398, 400-  
 403, 405, 406, 408, 409, 411,  
 413-417, 419-430, 432-437, 440,  
 443-449, 451, 453, 454, 457,  
 458, 460, 461, 463, 465, 469-471.
- Latches, 398.
- Leanto, 416, 430.
- Lime, 306.
- Locks, 144, 180, 305, 352.
- Lumber, *see* Manufactures.
- Meeting houses, *see* Religious  
 Affairs.
- Mill house, 336.
- Mills, 1, 8-12, 20, 27, 59, 147, 169,  
 171, 203-205, 207, 216-218, 253,  
 270, 340, 343, 393, 455, 456.
- Mills, grist, 99.
- Mills, malt, 173.
- Mills, saw, 57, 63, 64, 102, 113,  
 198, 249, 276, 280, 347, 363.
- Mills, water, 9, 10, 11, 336.
- Nails, 65, 91, 104, 298, 305, 330,  
 332, 397, 405, 421, 463.



- Buildings, construction, etc.  
 Oven, 292.  
 Planks, *see* Manufactures.  
 Sash, 392.  
 Sheepfold, 95.  
 Shingles, 323, 377.  
 Shops, 32, 80, 167, 173, 198, 212, 246, 333, 334.  
 Spikes, 405.  
 Stable, 54, 204, 211, 284.  
 Stairs, 292.  
 Storehouse, 369.  
 Warehouses, 12, 42, 105, 168, 210, 211, 307, 331, 348, 349, 394.  
 Wigwams, 252.  
 Windmills, 8, 9, 10, 11, 109, 399.  
 Windows, 392, 393.
- Buling, Robert, 464.  
 Bulkley, John, 10.  
 Bullard, Richard, 185.  
 Bullets, *see* Weapons.  
 Bullock, Bullocke, —, 175.  
 Elizabeth, 175.  
 Henry, 175, 176.  
 John, 175.  
 Thomas, 175, 176.
- Bulls, *see* Animals (domestic).  
 Bunker, —, 429.  
 Burbank, Burbanke, John, 67, 188, 393.  
 Burby, Thomas, 80.  
 Burd, John, 262.  
 Burges, Burgis, —, 112.  
 John, 378, 471.  
 Robert, 32, 281.  
 Rogers, 389.
- Burials, 69, 176, 201, 244, 251, 298, 357, 380.  
 Burkebe, Hannah, 362.  
 Burnap, Burnape, Hannah, 72, 377.  
 Isaac, 72, 190, 377.  
 Burnham, Bornum, Burnam, Burnum, John, 74, 86-88.  
 Marget, 271.  
 Thomas, 5, 17, 86-88, 154, 170, 228, 271, 305, 359.
- Burr, —, 426.  
 Burrage, Bourrig, George, 220.  
 John, 385.
- Burrill, Bourrill, Burel, Burrell, Burrell, —, 79.  
 Francis, 19, 114, 203, 281, 345, 346, 348, 349, 403.  
 John, 6, 103, 106, 112, 257, 282, 455.  
 Lois, 112.
- Burroughs, Burrows, —, 79.  
 John, 76.
- Burton, Hannah, 19, 116, 224, 293, 466.
- Burton, Isaac, 258.  
 John, 20, 116, 117, 223, 270, 293, 343, 368, 381, 417, 462, 466.
- Burying places, 31, 357.  
 Bush, William, 344.  
 Busk, *see* Clothing.  
 Buswell, Isaac, 144, 145, 198, 316.  
 Samuel, 425.  
 William, 56, 100, 247, 250, 404.
- Butcher, Thomas, 170.  
 Butler, Buttler, Daniel, 321, 373, 457.  
 Butter, *see* Food.  
 Buttery, Butry, John, 437, 438.  
 Buttolls, John, 256.  
 Button, Mathias, 147, 199, 241.  
 Buttons, *see* Clothing.  
 Buxton, Buxstone, Buckstone, Anthony, 15, 20, 73, 117, 367.
- Cacill, James, 170.  
 Cado, Bartholmew, 370.  
 Cage, *see* Punishments.  
 Caine, After, 285.  
 Cakes, *see* Food.  
 Caldwell, Cauldwell, John, 139, 142, 271.  
 Calico, *see* Cloth.  
 Calie, Cale, Caly, John, 94, 254.  
 William, 288.  
 Call, Philip, 271.  
 Calves, *see* Animals (domestic).  
 Cambridge, 9, 10, 231, 315, 322.  
 Canada, 287.  
 Candles, 54.  
 Candlesticks, *see* Utensils.  
 Cannon, Canon, William, 120, 137, 221, 264.  
 Cano, Jeremy, 148.  
 Canoe, *see* Vessels.  
 Cans, Capt., 292.  
 Canterbury, Cantlebury, —, 78.  
 Beatrice, 82, 83, 174, 293.  
 John, 82.  
 Rebecca, 82.  
 Ruth, 82.  
 William, 82, 83, 174.
- Canvas, *see* Cloth.  
 Cape, *see* Clothing.  
 Cape Ann, 9, 158, 223, 332, 442.  
 Cape Ann side, 105, 296, 433.  
 Cape Fear, 131.  
 Cape Nawagon, 105.  
 Capes, Frances, 19.  
 Caps, *see* Clothing.  
 Carlton, Carleton, —, 60, 94.  
 John, 36, 38, 56, 60, 147, 199, 239, 240, 248, 263, 390, 404, 409, 450, 453.  
 Carlisle bay, 324.

- Carpea, Carepea, Hester, 460, 466.  
 Carpenter, Sarah, 225.  
 Carpenter, *see* Trades.  
 Carpets, *see* Furnishings.  
 Carr, George, 405.  
   John, 38, 198.  
   Richard, 355.  
 Carrier, Martha, 471.  
 Carroll, Carall, Carill, Carrall, —, 193.  
   Anthony, 13, 23, 24, 85, 86, 386.  
   Nathaniel, 18, 20, 379.  
 Carter, Henry, 7.  
   Thomas, 315.  
   William, 6, 288, 387.  
 Carts, *see* Tools.  
 Carwithen, Digery, 93.  
 Carey, Cary, Arthur, 283, 288.  
 Casks, *see* Utensils.  
 Cass, Casse, Cash, —, 64.  
   John, 1, 98, 100, 147, 404, 405.  
 Castle, Gregory, 84.  
 Castle hill, 204, 415-418, 467.  
 Casualties.  
   Death from exposure, 297.  
   Drowned in a pit of water, 282.  
   Drowned in Shawsheen river, 227.  
   Killed by falling log, 469, 470.  
   Shipwreck, 296.  
 Cats, *see* Animals (domestic).  
 Cattle, *see* Animals (domestic).  
 Causeway, 265, 308.  
 Cedar, 245, 323.  
 Cedar stand, 75, 105, 344.  
 Centre Haven, 168.  
 Chadborne, Humphrey, 182.  
 Chadwell, John, 292.  
 Chain, *see* Clothing.  
 Chains, *see* Tools.  
 Chairs, *see* Furniture.  
 Challis, Lt., 3, 315.  
   Philip, 62, 145, 147, 148, 247, 409.  
 Chandler, Chandlour, —, 254, 347.  
   Hannah, 275, 467.  
   Henry, 467.  
   Hester, 467.  
   John, 443.  
   Mary, 385, 467.  
   Philemon, 467.  
   Thomas, 12, 182, 265, 275, 284, 375, 442, 443, 467, 470.  
   William, 84, 135, 161, 195, 196, 213, 237, 385, 387, 467, 468.  
 Chanell, John, 282.  
 Chaplin, —, 432.  
   Joseph, 254.  
 Chapman, —, 306.  
   Edward, 228, 232, 271, 344, 387, 469.  
 Chapman, Simon, 5.  
 Charles I, 313.  
 Charles II, 431.  
 Charles, William, 111, 222, 281, 297, 343, 387, 437.  
 Charlestown, 7, 10, 63, 123, 129, 227, 288, 331, 405, 423.  
 Chase, Chas, Aquilla, 347.  
   Elizabeth, 281.  
   Isaac, 407.  
   Sara, 385.  
   Thomas, 281, 407, 425.  
 Chater, Chatter, John, 126, 157, 222.  
 Cheese, *see* Food.  
 Cheard, Ellen, 470.  
 Cheating, *see* Crimes.  
 Chebacco, 95.  
 Chebacco falls, 228.  
 Chebacco river, 87.  
 Cheese press, *see* Utensils.  
 Cheever, Cheaver, —, 233.  
   Ezekiel, 230.  
 Cheney, Chayney, Cheny, Chenye, Daniel, 66, 293, 361, 362, 385.  
   Hannah, 151.  
   John, 15, 84, 96, 215, 216, 255, 355, 361, 362, 385, 472.  
   Martha, 361.  
   Nicholas, 468.  
   Peter, 50, 66, 90, 151, 152, 385, 413, 468.  
   Sara, 385.  
 Chests, *see* Furniture.  
 Chickens, *see* Food and Fowls.  
 Chin, Elizabeth, 179.  
   George, 179, 297.  
   Mary, 156.  
 Chirurgeon, *see* Trades.  
 Choptanek, Md., 464.  
 Chote, Chot, Chowt, Anne, 154.  
   John, 150, 165, 183.  
 Christmas, *see* Religious Affairs.  
 Chubb, Thomas, 7, 266, 463, 466.  
 Chudleigh, Christopher, 9.  
 Churns, *see* Utensils.  
 Churchman, —, 380.  
 Chute, —, 159, 244.  
   James, 136, 244, 270, 279, 303, 387.  
 Cider, *see* Drinks and Food.  
 Cilliek, —, 63.  
 Cistern, *see* Utensils.  
 Clapboards, *see* Manufactures.  
 Clapp, Edward, 162.  
 Clarke, Clareke, Clarke, Clearke, Clerke, —, 78, 192, 195, 197, 291, 370.  
   Capt., 280.  
   Sergt., 140.

- Clarke, Daniel, 23, 85, 117, 126, 138, 183, 194, 218, 386.  
 Edmund, 40, 56, 57, 97, 119, 137, 144, 145, 158, 185, 186, 260, 262, 317.  
 Edward, 6, 39, 84, 120, 124, 135, 166, 184, 185, 250, 280, 405, 423.  
 Emanuel, 368.  
 Hester, 384.  
 John, 16, 21, 35, 168, 281, 324, 400, 402, 427, 430, 438, 446, 456, 468, 469.  
 Josias, 412.  
 Martha, 468.  
 Mary, 117, 194, 455, 471.  
 Nathaniel, 130, 294, 468.  
 Samuel, 117.  
 Sarah, 468.  
 Thomas, 1, 21, 27, 59, 63, 92, 94, 125, 153, 164, 216, 304, 306, 324, 346, 349, 369, 370, 383, 387, 412, 455, 468, 469.  
 William, 112, 282, 402, 403.  
 Clathery, Clattare, Richard, 284, 369.  
 Cleaves, William, 443.  
 Clement, Clemant, Clements, —, 297.  
 Job, 239.  
 John, 135, 223, 242.  
 Robert, 57, 63, 148, 161, 162, 166, 167, 184, 201, 222, 317.  
 Clifford, Cleford, John, 56, 404.  
 Clinton, Clenton, Klenton, Lawrence, 314, 371, 372, 375, 456, 457.  
 Rachel, 373, 402, 457, 458.  
 Clo—, John, 41.  
 Cloaks, *see* Clothing.  
 Clocks, *see* Furniture.  
 Cloth, 181, 213, 244, 267, 314, 361, 381, 433, 449.  
 Binding, 91.  
 Broadcloth, 73, 114, 162, 348, 433.  
 Calico, 80, 104, 114, 115, 174.  
 Canvas, 79, 82, 92, 110, 174, 213, 214, 220, 260, 394, 433.  
 Cap cloth, 81.  
 Cotton, 62, 73, 104, 114, 123, 176, 201, 245, 260, 330, 331, 357, 383.  
 Darnacle, 315.  
 Diaper, 232.  
 Dimity, 80, 174.  
 Dowlas, 245.  
 Duffles, 331.  
 Flannel, 114.  
 Fustian, 411.  
 Holland, 73, 82, 162, 245, 336, 433.  
 Holland, tufted, 110.  
 Cloth.  
 Kenting, 433.  
 Kersey, 55, 70, 73, 81, 91, 114, 162, 260, 266, 267, 336, 356, 370, 433.  
 Linen, 62, 73, 78, 81, 114, 245, 254, 260, 298, 313, 314, 321, 337, 342, 357, 381, 417.  
 Linen, broad, 110, 245, 433.  
 Lockrum, 80, 81, 91, 174, 260, 356, 394, 447.  
 Ossembrike, 80, 110, 162, 174, 260, 314, 331, 394.  
 Penestone, 73, 114, 356.  
 Rash, 356.  
 Ribbon, 245.  
 Roule, 331.  
 Sail cloth, 332.  
 Satinesco, 232.  
 Say, 91, 105, 332, 341.  
 Serge, 114, 254, 260, 265, 267, 268, 349, 352, 356, 357.  
 Shag, 73, 91.  
 Silk, 66, 70, 81, 119, 175, 220, 245, 280.  
 Stammel, 356.  
 Stuff, 81, 105, 332, 349, 370.  
 Taffety, 245.  
 Tammy, 260, 331.  
 Tape, 245.  
 Ticking, 73.  
 Trucking cloth, 315.  
 Woolen, 78, 337, 359, 381.  
 Clothing, wearing apparel, etc., 28, 51, 54, 61, 62, 78, 83, 95, 114, 116, 158, 162, 173-177, 180, 181, 193, 202, 209, 219, 223, 227, 232, 253, 264-266, 268, 275, 288, 315, 336, 340, 342, 351, 355-363, 366, 381, 388, 402, 403, 416, 419, 429, 433, 434, 436, 447-450, 453.  
 Bands, 73, 78, 80, 81, 114, 175, 177, 223, 265, 268, 337, 433.  
 Bangle purse, 471.  
 Bearing blanket, 175.  
 Bearing cloth, 356.  
 Bodices, 49, 336.  
 Boot hose tops, 363.  
 Boots, 78, 114, 144, 165, 178, 202, 220, 223, 239, 268, 336, 352, 357, 382, 411.  
 Breeches, 20, 61, 73, 81, 114, 145, 181, 227, 265, 267, 268, 352, 411, 432, 433, 462.  
 Breeches, leather, 140, 336.  
 Breeches, linen, 265.  
 Busk, 245.  
 Buttons, 91, 245, 381.  
 Buttons, shirt, 174.

## Clothing.

- Cape, 220.  
 Caps, 73, 81, 245, 251, 433.  
 Caps, Portugal, 73, 80, 175.  
 Chain, 140.  
 Cloaks, 73, 81, 110, 162, 336, 356, 357, 359, 433, 447.  
 Cloaks, jump, 73.  
 Coats, 20, 73, 76, 81, 114, 144, 180, 181, 195, 254, 265, 268, 336, 357, 411.  
 Coat, great, 411, 433.  
 Coat, leather, 449.  
 Coif, 245, 356.  
 Collar, 460.  
 Comb, 352.  
 Doublets, 73, 75, 268, 411, 432.  
 Drawers, 221, 268, 352, 433.  
 Dressings, 352, 356.  
 Foresleeves, 356.  
 Gloves, 81, 245, 268, 279, 314, 356, 433.  
 Gloves, leather, 81, 352.  
 Gowns, 356.  
 Handkerchiefs, 61, 80, 81, 175, 223, 433.  
 Handkerchiefs, pocket, 352.  
 Hat band, silver, 417.  
 Hat case, 363.  
 Hats, 20, 28, 31, 50, 73, 81, 110, 114, 116, 157, 180, 219, 227, 267, 268, 304, 336, 349, 352, 356, 382, 411, 417, 419, 433, 444, 460.  
 Head linen, 61.  
 Hoods, 73, 352, 356.  
 Hoods, silk, 66, 175.  
 Hose, 28, 91, 331.  
 Jacket, 145, 227, 268, 336.  
 Jerkin, 411.  
 Lace, 245, 246.  
 Lace, laying, 91.  
 Lace, silk, 245.  
 Linen, 61, 69, 114, 144, 175, 177, 220, 268.  
 Mantle, broadcloth, 73.  
 Mantle, shag, 73.  
 Muff, 73, 356, 447.  
 Neckcloths, 61, 81, 82, 220, 223, 244, 433, 460.  
 Neckhandkerchiefs, 352, 356.  
 Petticoats, 138, 356, 403, 414.  
 Rings, 162.  
 Rings, gold, 71.  
 Scarf, 268, 337, 352.  
 Scarf, silk, 66, 70, 119, 175.  
 Sea clothes, 221, 464.  
 Shirts, 17, 73, 177.  
 Shirts, 20, 28, 62, 78, 80, 81, 114, 174, 181, 244, 268, 298, 336, 352, 381, 433.

## Clothing.

- Shoes, 28, 73, 78, 80, 91, 114, 124, 145, 178, 221, 227, 239, 245, 248, 260, 266, 268, 278, 289, 302, 331, 381, 417.  
 Shoes, fashionable, 331.  
 Shoes, French fall, 66, 266.  
 Shoes, French heel, 81.  
 Skirts, 73.  
 Spectacles, 356.  
 Stockings, 20, 70, 73, 80, 81, 97, 114, 145, 175, 181, 193, 197, 221, 227, 232, 244, 245, 268, 278, 314, 360, 366, 381, 433.  
 Stockings, worsted, 70.  
 Stomacher, taffety, 245.  
 Suites, 20, 28, 70, 81, 110, 114, 145, 220, 336, 352, 357, 411.  
 Suites, leather, 411.  
 Undersleeves, 352.  
 Waistcoats, 20, 61, 73, 78, 80, 81, 110, 174, 194, 267, 268, 336, 356, 357, 433.  
 Watches, 232.  
 Whittle, 73.  
 Clough, John, 63, 198, 404.  
 Coal, 173.  
 Coates, Robert, 26, 112.  
 Coats, *see* Clothing.  
 Cobbett, Cobbet, Cobbit, —, 71, 87, 134, 244, 312, 314, 315, 356. Thomas, 310.  
 Cobbett, *see also* Corbitt.  
 Cobham, Josiah, 59, 146, 450.  
 Coburne, Coborn, Cobourne, Edward, 353, 371.  
 John, 371, 388, 430.  
 Robert, 394.  
 Cockerill, Elizabeth, 162.  
 Cod, *see* Fish.  
 Codner, Codnor, Christopher, 76, 295.  
 Gregory, 284.  
 Joane, 76.  
 John, 12, 14, 102, 103, 107, 110, 111, 156, 157, 177, 179, 218, 222, 223, 257, 267, 272, 282, 283, 288, 291.  
 Joseph, 387.  
 Joshua, 295, 343.  
 Mary, 111, 158, 295.  
 Rachel, 180.  
 Robert, 335.  
 Coffin, Cofen, Coffyn, Peter, 2, 4, 146, 169, 319.  
 Stephen, 293.  
 Tristram, 131, 293, 299, 426, 438, 449.  
 Coffins, 297, 298, 400, 411, 444.  
 Coffins, *see also* Burials.

- Cogswell, John, 198.  
     William, 198, 344, 387.  
 Coif, *see* Clothing.  
 Coite, John, 55.  
 Coker, Joseph, 293, 468.  
     Robert, 412.  
 Colby, Collby, Koolba, —, 63.  
     Anthony, 62, 63, 64, 146.  
     Isaac, 2, 64.  
     John, 2, 4, 64, 146, 251, 319, 450.  
     Mary, 251.  
     Rebecca, 64.  
     Samuel, 2, 64, 251, 253, 319.  
 Colchester, Eng., 360.  
 Colcord, —, 61, 64, 281, 316.  
     Edward, 1, 2, 21, 64, 98, 133, 248-  
     250, 318, 320, 404-407.  
     Jonathan, 248.  
 Coldam, Colddum, Coldum, Cole-  
     dum, Cooldome, Couldom,  
     Couldum, Clement, 5, 10, 39,  
     327, 337, 392, 431, 438, 442.  
     Joanna, 112.  
     Thomas, 11, 26, 112, 282, 297.  
 Cole, Coalle, Coul, Coule, —, 4,  
     61, 64, 280.  
     Abraham, 279, 281, 404, 451.  
     Eunice, 3, 4, 100.  
     Isaac, 279, 281, 319.  
     James, 140.  
     John, 406, 407.  
     Mary, 451.  
     Nicholas, 376, 446.  
     Peter, 169.  
     William, 3, 61, 100.  
 Coleborne, Colborne, Colbourne,  
     Coldborne, Edward, 370, 430.  
     Henry, 471.  
     Robert, 438.  
 Coleman, James, 228.  
     John, 120, 227, 264.  
 Collar, *see* Clothing.  
 College, the, *see* Harvard College.  
 Collicott, Colleeet, Cullicut, Rich-  
     ard, 41, 42, 421.  
 Collins, Collens, Collinges, Collings,  
     Coollens, —, 2, 24.  
     Abigail, 381.  
     Edward, 8, 9.  
     Francis, 162, 369.  
     Gabrill, 255.  
     Hannah, 113.  
     Henry, 11, 19, 30-32, 74, 102,  
     162, 165, 281, 373, 381, 427,  
     454.  
     John, 31, 158, 161, 255, 257, 264,  
     350, 367, 374.  
     Robert, 305, 402.  
     Roger, 410, 452.  
 Comb, *see* Clothing.  
 Conant, Connant, —, 205.  
     Lot, 110, 177, 209, 321.  
     Roger, 206, 207.  
 Concord, 211.  
 Condey, Samuel, 157, 220.  
 Contracts.  
     House, 392, 393.  
     Building a ketch, 335.  
     Marriage, 463.  
     Rebuilding a bark, 332.  
 Cooke, Cook, Lt., 171, 211, 306.  
     Elizabeth, 176.  
     Henry, 176.  
     Isaac, 176, 471.  
     John, 137.  
     Rachel, 471.  
     Richard, 92, 168, 169, 170, 211,  
     212, 463, 465.  
     Robert, 10, 373.  
 Coomes, Combes, Combs, Coomb,  
     Counes, Henry, 117, 156, 461.  
     Humphry, 299, 435.  
     Michael, 223.  
     Mighill, 108.  
 Cooper, Timothy, 383, 422, 461.  
     William, 332.  
 Cooper, *see* Trades.  
 Copley, Lionel, 41.  
 Copp, John, 471.  
 Corbitt, Abraham, 280.  
 Corbitt, *see also* Cobbett.  
 Cording, Corddin, Cordin, Cordwin,  
     Cordwing, —, 44, 48, 49,  
     54, 55, 66, 67, 70, 118, 134.  
     Mary, 54.  
     Richard, 54, 56, 70, 75, 133-136.  
 Corey, Core, Giles, 377, 379.  
 Corn, *see* Food.  
 Corning, Samuel, 6, 154, 386, 454.  
 Cottle, Cottell, Edward, 251, 404,  
     422, 455.  
     William, 21, 147, 450.  
 Cottles, —, (negro), 468.  
 Cotton, —, 452.  
     Seaborn, 245, 397, 408, 410.  
 Cotton, *see* Cloth.  
 Country, Holick, 354, 448.  
 Court of Assistants, 110, 111, 145,  
     146, 186, 266, 317, 319, 353,  
     404, 420, 421.  
     Appeal to, 3, 8, 16, 56, 57, 58, 74,  
     98, 99, 109, 146, 149, 185, 195,  
     210, 236, 250, 272, 299, 302,  
     317, 318, 346, 348, 364, 370,  
     371, 392, 394, 405, 407, 438,  
     450, 452.  
     Bound to, 117.  
     Referred to, 406.  
 Court room, 251.

Coussens, Cosens, Coussen, Isaac,  
45, 76, 92, 146, 198, 249.  
Cowbell, *see* Tools.  
Cowardry, Cowdrie, —, 78.  
William, 455.  
Cowper, Peter, 469.  
Cows, *see* Animals (domestic).  
Cox, Moses, 3.  
Coy, Coye, —, 28, 159, 457.  
Martha, 274.  
Richard, 14, 27, 153, 207, 208,  
273, 274, 281, 282, 296, 307,  
353, 458.  
Cradles, *see* Furniture.  
Crafford, Crafourd, Cravet, Cravit,  
Cravitt, Creford, Crevet, —,  
43, 104.  
Edith, 10, 40, 43, 105, 261, 296,  
330, 331, 333, 352, 353, 386,  
420, 421.  
Mordecai, 43, 44, 55, 75, 76, 104,  
105, 108, 208, 210, 211, 222,  
256, 260-263, 296, 330-333,  
338, 244, 347, 352, 353, 383,  
420, 421, 466.  
Craly, William, 170.  
Crane, —, 426.  
Robert, 230, 232.  
Cressy, Cressie, —, 95.  
Mighill, 95.  
Crimes.  
Absence from jury, 109, 145, 263,  
279, 316.  
Absence from meeting, 18-20, 60,  
96, 100, 109, 116, 117, 182,  
222, 269, 292, 293, 343, 381,  
434, 462.  
Abusing a servant, 463.  
Abusing an apprentice, 365.  
Abusing the constable, 16, 182,  
270, 289, 344.  
Abusing the court, 65, 100, 110,  
386.  
Abusing the ministry, 461.  
Abusing the watch, 319, 427.  
Abusive speeches, 269.  
Adultery, 47.  
Affronting the constable, 412.  
Affronting the court, 111.  
Assault, 32, 54, 88.  
Assisting a runaway, 264.  
Assisting prisoners to escape, 152,  
153.  
Battery, 12, 33, 102, 107, 225,  
419.  
Beating, 329, 414, 420.  
Breach of covenant, 263, 312,  
313, 395, 396, 427, 437, 446.  
Breach of peace, 19, 55, 66, 80,  
84, 111, 117, 150, 203, 221, 226,

## Crimes.

Breach of peace,—*Continued*, 266,  
269, 319, 320, 344, 384, 387  
435, 436, 452, 462, 471.  
Breaking and entering, 143.  
Breaking prison, 152, 351.  
Breaking the ninth command-  
ment, 24, 31.  
Breaking the pound, 352.  
Buying raw hides, 60.  
Cheating, 314.  
Concealing prisoners, 153.  
Concealing stolen goods, 264, 279.  
Contempt of authority, 460.  
Contempt of court, 247.  
Cursing, 117, 251, 274, 314, 343,  
461.  
Cursing his servants, 148.  
Dangerous well, 4.  
Debt, 2, 6, 7, 14, 35, 40, 45, 46,  
55, 58, 59, 64, 74, 75, 76, 90-  
92, 98, 99, 103, 106, 108, 120,  
125, 133, 135, 146-148, 154-  
157, 159, 161, 167, 186, 190,  
198, 199, 208, 214, 217, 218,  
228, 236, 239, 240, 247, 248,  
253, 257, 260, 261, 262, 272,  
273, 280, 281, 283-285, 288,  
292, 299, 302, 304, 307, 317,  
318, 329, 335, 345, 346, 347,  
364, 367, 370, 371, 373, 388, 390,  
395, 397, 405, 407, 416, 422,  
424, 425, 427, 442, 443, 446,  
456, 458.  
Defamation, 74, 75, 99, 120, 282,  
317, 348, 394, 397, 405, 406,  
413, 414, 416, 420, 422, 445,  
450, 453, 454, 456.  
Defaming the court, 412.  
Defect in packing fish, 387.  
Defect in pound, 60, 343.  
Defect in stocks, 60.  
Defiling a well, 5.  
Denying the country's power to  
force attendance at worship,  
111.  
Digging a pit, 282.  
Digging up the grave of the Saga-  
more of Agawam, 400.  
Disloyalty to the King, 431.  
Disorderly living, 218.  
Dissenting from the rest of the  
jury, 172.  
Driving cattle on Sabbath day,  
291, 320.  
Drunkenness, 96, 101, 109, 179,  
180, 182, 221, 268, 269, 295,  
296, 321, 342, 343, 344, 352,  
382, 383, 408, 436, 452, 461,  
470, 471.

## Crimes.

Entering a house illegally, 70.  
 Entertaining Quakers, 66-68.  
 Entertaining strangers, 66, 67, 448.  
 Excess in apparel, 66, 70.  
 Excessive drinking, 221, 251, 309.  
 False imprisonment, 236, 420.  
 False swearing, 65, 101, 249, 417.  
 Felony, 450.  
 Fighting, 251, 452.  
 Forcing his wife to live away, 192.  
 Fornication, 5, 17, 61, 68, 78, 86, 148, 151, 182, 198, 199, 242, 254, 309, 320, 338, 377, 400, 434, 460.  
 Going naked into the meeting house, 64, 68.  
 Going naked through the town, 17  
 Incontinency, 178.  
 Inhumanly abusing another, 254.  
 Insufficient highway, 4.  
 Insufficient tanning, 313.  
 Keeping cattle in common corn field, 152.  
 Killing hogs, 143.  
 Lascivious carriages, 111, 226.  
 Living away from wife, 83, 451.  
 Lying, 66, 117, 197, 274, 314, 319, 320.  
 Making highway impassable, 343.  
 Misdemeanors, 65, 137, 148, 197, 245, 321, 447.  
 Mutinous and seditious words at training, 139, 141.  
 Neglecting to keep the watch, 148.  
 Night walking, 352.  
 Not assisting the constable, 151, 339, 471.  
 Not keeping scales and weights, 270.  
 Not returning warrant, 321.  
 Pilfering, 408.  
 Playing cards, 70, 152.  
 Posting false intention of marriage, 65.  
 Pound breach, 273.  
 Profane speeches, 281.  
 Profaning the Sabbath, 321, 461.  
 Provoking speeches, 80.  
 Pulling up bridge, 412.  
 Pulling up bridges at the wind-mill, 399.  
 Rape, 66.  
 Rebellious speeches to parents, 117.  
 Receiving stolen goods, 244.  
 Refusing to depart from town, 62, 65, 95.  
 Reporting scandalous lie, 65, 70.

## Crimes.

Reproachful words, 277.  
 Reproaching the minister, 148.  
 Rescuing cattle, 151, 221.  
 Resisting constable, 79.  
 Resisting military officer, 5.  
 Reviling ordinance of baptism, 148.  
 Reviling speeches, 255.  
 Running away from master, 182, 254, 263, 351, 435.  
 Scandalous speeches against the King, 310.  
 Scandalous words, 65.  
 Selling an apprentice, 172.  
 Selling strongwater at retail, 80.  
 Selling strongwater by small measure, 84.  
 Selling strongwater to Indians, 320.  
 Setting fire to a house, 352, 353.  
 Shooting a horse, 22.  
 Shooting guns in the night, 270.  
 Slander, 24, 29, 44, 45, 75, 99, 106, 119, 120, 131, 134, 182, 190, 197, 240, 249, 272, 284, 300, 389, 414, 416, 438, 441.  
 Slandering the government, 95, 143.  
 Slighting authority, 226.  
 Speaking reproachfully against a magistrate, 447.  
 Stealing a writing, 400.  
 Striking another, 19, 55, 83, 84, 117, 140, 150, 182, 203, 224, 226, 251, 269, 281, 378, 387, 409, 448, 459.  
 Striking another man's boy, 197.  
 Striking his wife, 33, 140.  
 Striking the constable, 221.  
 Suicide by drowning, 223.  
 Suicide by hanging, 298.  
 Swearing, 84, 221, 269, 270, 279, 343, 376, 387, 408, 452, 460, 461, 471.  
 Swearing more than once, 19.  
 Taking an Indian without consent of parents, 366.  
 Taking tobacco in the street, 352.  
 Theft, 18, 20, 117, 143, 144, 150, 152, 177, 254, 255, 263, 269, 274-276, 313, 344, 351, 383, 408, 450.  
 Threatening speeches against the country, 376.  
 Threatening words, 255.  
 Trading strong water with Indians, 366.  
 Trespass, 3, 11, 12, 22, 23, 35, 45, 57, 59, 74, 76, 86, 91, 98, 99,

## Crimes.

- Trespass, — *Continued.* 122, 123, 125, 126, 131, 147, 156, 160, 183, 187, 199, 203, 235, 236, 248-250, 272, 279, 317, 318, 323, 325, 345, 346, 367, 368, 406, 414, 415, 444, 450.
- Uncivil carriages, 251, 264.
- Uncleanliness, 138, 221, 254, 266, 268, 448, 471.
- Unjust molestation, 55, 58, 76, 236, 326, 389, 406, 420.
- Unlocking a door and stealing, 19.
- Unruly speeches, 386.
- Want of a pound, 151.
- Whipping a child, 138.
- Witchcraft, 120, 121, 122, 298, 403, 404, 413, 420.
- Working on Lord's day, 269, 296.
- Crisp, John, 170.
- Croad, Croade, —, 18, 109, 117, 225, 378.
- John, 83, 179, 294, 374, 463.
- Richard, 76, 92.
- Crocker, Croker, Richard, 223, 284.
- Crocket, John, 58.
- Croft, Crofts, Ann, 345, 348, 423, 461.
- William, 256, 345, 348, 373, 381, 422, 423, 461.
- Cromlon, Giles, 188.
- Cromwell, Crumwell, —, 343, 432.
- Dorothy, 16, 118, 460.
- John, 298, 413.
- Philip, 102, 217, 257, 335, 339, 370, 445, 463, 464.
- Thomas, 257, 298, 420.
- Crosby, Crosbe, Crosbie, Crosby, Crossby, —, 74, 97, 163, 240, 390, 437.
- Anthony, 28-30, 91, 125, 156, 164, 190, 239, 240, 294, 299, 300, 307, 345, 384, 389, 390, 427, 436, 437.
- Jonathan, 294.
- Joseph, 256.
- Nathaniel, 384.
- Simon, 256, 257.
- Croscom, William, 212.
- Cross, Crose, Crosse, —, 458.
- Robert, 190, 321, 350, 351, 354, 371-374, 396, 400, 412, 456-458.
- Martha, 189, 190.
- Robert, 65, 76, 86-88, 92, 185, 189, 321, 350, 351, 354, 371-373.
- Stephen, 87, 88, 396, 399, 400, 412, 446.
- Crow, *see* Birds.
- Crowne, Crone, Col., 442, 470.
- Crowther, Timothy, 170.
- Cummings, Comings, Commins, Cumins, Cunings, —, 232.
- Isaac, 13, 182, 270, 299, 312, 335, 386.
- John, 14, 80, 110, 135, 336, 386.
- Mary, 386.
- Cupboards, *see* Furniture.
- Cups, *see* Utensils.
- Curill, —, 223.
- Currants, *see* Food.
- Currier, Corrier, Richard, 1, 3, 144, 147, 198, 202, 251, 253, 366, 407, 408.
- Samuel, 34, 35, 37, 389.
- Cursing, *see* Crimes.
- Curtains, *see* Furnishings.
- Curtis, Cortis, Curtice, Curtiss, Courtious, —, 334.
- John, 286, 287, 300, 301, 371.
- Philip, 286, 300, 442.
- William, 78, 373, 420.
- Zaccheous, 65, 138, 194, 354, 371, 471.
- Curwin, Corwin, Corwine, Corwinne Corwyn, —, 41, 46, 109, 215, 323.
- Capt., 176, 182, 215, 225, 257, 296, 307, 324, 439-441.
- George, 12, 16, 18, 46, 76, 82, 83, 136, 156, 177, 218, 220, 244, 267, 272, 273, 284, 288, 294, 335, 368, 373, 378, 382, 427, 429, 439, 463, 464.
- John, 321, 330, 338, 344.
- Jonathan, 335, 373.
- Custom house, *see* Buildings.
- Cut, —, 99.
- Cutler, Cuttler, Samuel, 69, 306, 386.
- Daliver, Dalaver, Dalliber, Joseph, 16, 136.
- Samuel, 281, 377.
- Dalton, —, 4, 60, 452.
- Samuel, 1, 2, 56, 61, 100, 147, 148, 249, 253, 318, 365, 397, 404, 406, 408, 410, 425, 451, 453.
- Damaris cove, 211.
- Dane, —, 71, 72, 132.
- Francis, 12.
- John, 182, 183, 243, 270, 305, 325, 358, 410.
- Danfled, John, 194.
- Danforth, Danfort, Danfford, —, 8.
- Thomas, 168, 291.
- William, 85, 86, 305.



- Darby fort side, 177, 369.  
 Davenport, Capt., 205.  
   Humphry, 170.  
   John, 456, 467.  
   Richard, 206.  
 Davis, Davice, —, 9.  
   Elizabeth, 267.  
   Jacob, 137, 266, 267, 321.  
   James, 47, 56, 60, 167, 201, 318,  
     404, 405, 407, 413, 423.  
   John, 102, 108, 196, 267, 386,  
     413.  
   Joseph, 2, 10, 56-58, 60, 97, 146,  
     212, 213, 218, 247, 248, 404,  
     450-452.  
   Mary, 119, 120, 137.  
   Thomas, 1, 34, 39, 56, 57, 59, 60,  
     97, 99, 123, 145, 146, 198, 247-  
     249, 253, 277, 407, 452.  
 Davison, —, 331.  
   Daniel, 438.  
 Day, Daye, —, 151.  
   Anthony, 43, 44, 186, 208, 326,  
     328, 332, 333, 383, 390, 431,  
     442.  
   John, 354.  
   Mary, 152.  
   Robert, 21, 271, 344, 354, 387,  
     399.  
   Thomas, 122, 354.  
 Deacon, John, 156, 159.  
 Deale, Deal, Mary, 61, 147, 317.  
   William, 58, 61, 147, 247, 280,  
     317, 404, 405.  
 Dean, Deane, Deans, —, 12, 133,  
   215.  
   Frances, 12.  
   George, 269, 343, 381, 434  
   Thomas, 296.  
 Dearborn, Dearborne, Dearebourn,  
   Godfery, 144, 198, 279, 280,  
   315, 316.  
   Henry, 363.  
   Thomas, 247, 404, 406, 407.  
 Deare, Edward, 448.  
 Dearing, Deering, —, 366, 409,  
   452.  
   Henry, 199, 250, 316, 319.  
 Death, Accidental, *see* Casualties.  
 Debell, Debel, Zachary, 152-154,  
   192.  
 Decaine, Deken, Dekaine, John,  
   402, 403.  
   Nicholas, 83, 226, 269.  
 Deer, *see* Animals (wild).  
 Defamation, *see* Crimes.  
 Delare, Michael, 285.  
 Dillow, Dello, Delloe, Dellow, —,  
   159.  
   William, 38, 74, 103, 104, 158, 159.  
 Den, Thomas, 464.  
 Denison, Dennison, —, 153, 358.  
   Maj. Gen., 21, 56, 84, 97, 101,  
     106, 119, 135, 182, 203, 227,  
     228, 244, 246, 270, 281, 299,  
     320, 344, 359, 361, 362, 387,  
     436.  
   Daniel, 5, 12, 13, 23, 29, 32, 34,  
     36, 48, 55, 73, 84-86, 89, 96,  
     120, 122, 125, 138-140, 142, 150,  
     154, 160, 161, 163-167, 169,  
     190, 192, 195, 197, 212, 214-  
     216, 235, 237, 240, 255, 256,  
     258, 259, 271, 278, 279, 281,  
     282, 314, 321, 325-327, 329,  
     330, 335, 366, 370-372, 398,  
     413, 424-426, 430, 431, 439,  
     442, 446, 447, 451, 457, 458,  
     470, 471.  
   Edward, 442, 443.  
   John, 182, 354.  
   Patience, 244.  
 Denton, Robert, 305.  
 Desks, *see* Furniture.  
 Deverix, Devrix, Deverixe, Devorex,  
   Devorix, Ann, 158, 414, 443.  
   Bethiah, 443.  
   John, 102, 136, 257, 272, 295,  
     296, 378, 414, 444.  
 Dew, William, 117.  
 Dexter, —, 444.  
 Diaper, *see* Cloth.  
 Dickes, Dick, Elizabeth, 225.  
   Thomas, 42.  
 Dickinson, Dickanson, Dickason,  
   Dickison, James, 239, 240, 284,  
   384.  
   John, 254, 316, 404, 425.  
   Mary, 384.  
   Thomas, 29, 296, 384, 411.  
 Diet, *see* Food.  
 Dille, Del, John, 154, 223.  
 Dirkee, Dirkey, Dirky, Durgée,  
   Durgi, Durgy, Martha, 242.  
   William, 189, 190, 198, 245, 372,  
   457.  
 Diseases, infirmities, etc., 149, 176,  
   410.  
   Blind staggers, 455.  
   Blindness, 268.  
   Distempred in head, 320.  
   Fever, 298.  
   Fits, 54, 151.  
   Lameness, 234, 460.  
   Non compos mentis, 352.  
   Sore leg, 294.  
   Toothache, 274.  
   Tumors, 168.  
 Disher, Dorman, 280.  
 Dishes, *see* Utensils.

- Dismal, 449.  
 Divann, John, 268.  
 Dixy, Dixe, —, 223.  
   William, 154, 366.  
 Dock, 331, 333, 391, 442.  
 Dod, —, 449.  
   Thomas, 209.  
 Dodge, Dodg, Dogge, John, 203,  
   226, 235, 263, 270, 281, 296,  
   387, 429.  
   Richard, 468.  
   William, 6, 102, 254, 273, 367,  
   386, 427, 428.  
 Dogs, *see* Animals (domestic).  
 Dole, Dowell, Hannah, 293, 298.  
   Richard, 44, 45, 49, 70, 75, 80,  
   89, 118, 119, 127, 187, 188, 194-  
   196, 238, 293, 298, 299, 347,  
   355, 361, 390, 413.  
 Dollhoff, Christian, 409, 410.  
   Rachel, 410.  
 Domine, Nathaniel, 150.  
 Dorchester, 92.  
 Dorman, Damaris, 386.  
   Judith, 117, 386.  
   Thomas, 36-38, 117, 194, 235,  
   275, 386.  
   Timothy, 117.  
 Doublets, *see* Clothing.  
 Dounton, William, 298.  
 Dove, Francis, 147, 253.  
   Matthew, 382.  
 Dover, 3, 239, 365, 446.  
 Dow, Ann, 199.  
   Henry, 97, 315.  
   John, 241.  
   Joseph, 203, 281, 316, 452.  
   Martha, 390.  
   Stephen, 124, 199, 250.  
   Thomas, 241, 250.  
 Downer, Joseph, 385.  
   Robert, 97, 279, 364, 407.  
 Downing, Dowing, Downeing, —,  
   377.  
   Emanuel, 286.  
   Lucie, 286.  
   Macam, 16.  
   Mary, 295, 414, 419, 420, 443.  
   Richard, 111, 157, 272, 295, 296,  
   414, 419, 443, 444.  
   William, 132, 150, 154, 255, 278.  
 Downs, Downe, Edmund, 394, 463.  
 Downy, John, 255.  
 Drake, Drack, —, 1, 405.  
   Abraham, 1, 2, 4, 99, 146-148,  
   199, 253, 263, 318, 365, 406,  
   408, 421, 423-425, 450, 453.  
   Francis, 3.  
   George, 155, 156.  
   Robert, 59.  
 Drawbridge, 42.  
 Drawers, *see* Clothing.  
 Dresser, Dreser, Dressor, John, 21,  
   182, 239, 240, 392, 469.  
 Drinks, 157, 450.  
   Ale, 316.  
   Beer, 66, 75, 81, 110, 212, 231,  
   245, 246, 284, 298, 316, 319,  
   332, 337, 377, 411, 415, 427,  
   434, 459.  
   Beer, strong, 144, 333.  
   Brandy, 82.  
   Cider, 144, 245, 246, 319, 377,  
   422, 423, 461, 470.  
   Liquor, 35, 47, 50, 51, 52, 68, 75,  
   89, 162, 172, 176, 178, 241, 242,  
   274, 285, 297, 298, 308, 309,  
   320, 330, 331, 350, 377, 383,  
   397, 398, 399, 401, 402, 457.  
   Rum, 82, 104, 465.  
   Sack, 51, 193, 243, 291, 308, 330,  
   331, 417.  
   Sack, Maliga, 333.  
   Strongwater, 6, 18, 47, 68, 78, 79,  
   80, 81, 109, 110, 162, 172, 191,  
   199, 202, 218, 225, 242, 250,  
   263, 275, 289, 290, 294, 309,  
   319, 337, 339, 344, 351, 366,  
   373-375, 377, 378, 399, 402,  
   407, 410, 428, 431, 451, 452,  
   459.  
   Wine, 47, 60, 82, 94, 104, 176,  
   177, 178, 179, 202, 241, 242,  
   243, 250, 260, 290, 297, 309,  
   316, 319, 324, 369, 373, 374,  
   383, 398, 402, 407, 418, 450,  
   451, 452, 459.  
 Dripping pans, *see* Utensils.  
 Driver, —, 159.  
   Robert, 114, 383.  
 Drowning, *see* Casualties.  
 Drunkenness, *see* Crimes.  
 Dudley, Marguerite, 148, 149.  
   Samuel, 3, 60, 149, 245.  
   Thomas, 9.  
 Dummer, Dommer, Dumer, —,  
   23, 123, 239, 357, 426.  
   Jeremy, 465.  
   Richard, 240, 272.  
 Duncan, Dunkin, Dunckcone, Dun-  
   can, —, 80, 120, 158, 226.  
   John, 154, 155.  
   Mary, 185.  
   Peter, 21, 40-42, 74, 81, 135, 136,  
   158, 184-186, 208, 210, 227, 260,  
   263, 264, 292, 321, 328, 347,  
   350, 466.  
 Duning, —, 324.  
 Dunster, Henry, 8-11.  
 Dutch, Duch, —, 120, 245.

- Dutch, Grace, 137.  
 Hezekiah, 120, 328.  
 John, 349.  
 Mary, 119, 137, 245, 246.  
 Osmond, 5, 15, 41, 81, 119, 120,  
 137, 138, 158, 186, 260, 328.  
 Robert, 66, 152, 245, 349, 391,  
 470.  
 Samuel, 41, 150-152, 328, 350.
- E**agres, Richard, 260.  
 Earthen ware, *see* Utensils.  
 Eastman, Roger, 63, 145, 404.  
 Eastward, the, 331, 332.  
 Eastwick, Edward, 339.  
 Hester, 290, 339, 378.  
 Eaton, Eatten, Daniel, 455.  
 John, 145, 279, 281, 450.  
 Jonas, 437.  
 Marah, 468.  
 Thomas, 97, 404, 407, 451.  
 William, 455.  
 Edg, Peter, 57, 58.  
 Edmonds, Edmons, Edmunds, —, 285.  
 Ann, 291.  
 John, 345.  
 William, 78, 171, 263, 290, 291,  
 297, 298, 337, 428.  
 Edwards, John, 151, 152, 243, 302,  
 303, 305.  
 Mathew, 109.  
 Rice, 296.  
 Eggenton, Jeremiah, 170.  
 Eggon, John, 172.  
 Eggs, *see* Food.  
 Effer, William, 21.  
 Ela, Daniel, 1, 2, 26, 35, 97, 100,  
 124, 125, 162, 222, 299, 302,  
 389, 390, 393, 404, 407, 452.  
 Elford, Elforde, Tristram, 186, 262.  
 Elliott, Ellett, Ellitt, Andrew, 289.  
 Owen, 387.  
 Richard, 181.  
 Elitrop, Elletrap, Elithorp, —, 411.  
 John, 461.  
 Nathaniel, 151, 354.  
 Elizabethtown, N. J., 450.  
 Ellen, Giles, 170.  
 Elingham, Elingham, William, 98,  
 99.  
 Ellis, Elles, James, 118.  
 Jane, 118.  
 Thomas, 221.  
 Elsworth, Jeremiah, 259, 270, 389,  
 411.  
 Ellwell, Ellwell, —, 41, 42, 260,  
 262.  
 Isaac, 328, 447.
- Elwell, Joseph, 119.  
 Josiah, 377.  
 Mary, 377.  
 Robert, 81, 158, 184, 185.  
 Samuel, 161.  
 Emanes, William, 235.  
 Emerson, Elizabeth, 362, 363.  
 James, 362.  
 John, 47, 185, 362.  
 Joseph, 362.  
 Michael, 404.  
 Nathaniel, 362.  
 Thomas, 362, 363.  
 Emery, Emere, Emeri, Emerye,  
 Emorie, Emry, Emory, Amere,  
 —, 50-54, 104, 158, 159, 185,  
 186, 204, 269, 277, 382.  
 Ebenezer, 66.  
 Elizabeth, 55.  
 George, 16, 23, 74, 103, 107, 158,  
 421, 436.  
 John, 13-15, 21, 48-51, 55, 65-67,  
 70, 75, 88, 89, 185, 187, 228,  
 237, 238, 304, 354, 379, 426, 436.  
 Mary, 15, 51.  
 Endicott, Endecot, Endecott, Endi-  
 coate, —, 259.  
 Gov., 103, 386.  
 John, 9, 105, 259, 286, 322.  
 Zerubbabel, 281, 393.  
 England, 11, 17, 30, 62, 70, 71, 92,  
 106, 143, 155-157, 230, 232,  
 234, 298, 310-312, 317, 349,  
 358, 360, 370, 394, 414, 457, 458.  
 English, —, 273.  
 English, 99, 107, 302.  
 Epps, Ipes, —, 28, 72, 232, 254.  
 Daniel, 76, 84, 143, 154, 242, 243,  
 412.  
 Samuel, 135, 136.  
 Errington, Thomas, 292.  
 Esman, Thomas, 424.  
 Estey, Isaac, 218, 235, 259, 386.  
 Estow, Isaac, 135.  
 Etherington, Richard, 235.  
 Evans, Evens, William, 119, 126,  
 142, 312, 390.  
 Evleth, Eavly, Eveleigh, Evely,  
 Joseph, 447.  
 Silvester, 6, 73, 117, 367, 374, 459.  
 Ewens, Agnes, 194.  
 Exeter, 60, 148, 149, 248, 250, 251,  
 280, 281, 297, 317, 318-320,  
 364, 366, 406, 408-410, 451.  
 Exeter falls, 102.  
 Exeter falls river, 253.  
 Exeter river, 317.  
 Eymons, Eycemans, Edward, 34,  
 405.  
 Mary, 405.

- Fairfield, Fairefield, Fairfeild, Fay-  
erfeld, Feirefeild, Benjamin,  
109, 207, 208, 468.  
Elizabeth, 384.  
John, 207, 208, 384, 402, 468.  
Tryphena, 468.  
Walter, 12, 207, 208, 218, 273,  
274, 307, 384, 402, 413, 446,  
468.
- Falkner, Fawkner, Edmond, 6, 132.  
Edward, 467.  
Humphry, 202.
- Falls river, 252, 318.
- Fane, Henry, 98.
- Farnsworth, Matthias, 103, 104,  
158, 159.
- Farnum, John, 467.  
Ralph, 227, 471.  
Thomas, 375.
- Farr, Far, Benjamin, 18.  
Elizabeth, 18.  
Lazarus, 18.  
George, 18, 19.  
John, 18.  
Joseph, 18.  
Martha, 18.  
Mary, 18.  
Sarah, 18, 19.
- Farrar, Farrer, Farer, Pharar, John,  
445.  
Thomas, 74, 162, 256, 345, 346,  
348, 349.
- Farrington, Farington, —, 435.  
Edmund, 336, 348, 456.  
Edward, 374.  
Eliza, 374.  
Elizabeth, 336, 467.  
Jacob, 374, 467.  
John, 336, 374.  
Matthias, 282, 297.  
Matthew, 348, 413.
- Farrow, George, 271, 447.
- Fast day, 395.
- Fat, 470.
- Feake, Henry, 170.
- Feiremayde, Fearemayes, Fermane,  
Fermayes, Benjamin, 290, 339,  
378.
- Fellows, Felloes, Fellos, Felows,  
—, 358, 425.  
Ephraim, 150, 228.  
Samuel, 144, 198, 407.  
William, 182, 436.
- Felony, *see* Crimes.
- Felton, Benjamin, 367, 421, 462,  
466.  
Nathaniel, 82, 83, 95, 154, 176,  
275, 276, 366, 379, 380.
- Fences, 34, 37, 38, 76, 124, 153, 183,  
201, 204, 205, 208, 223, 250,
- Fences — *Continued*.  
270, 277, 283, 291, 304, 308,  
325, 326, 379, 403, 414, 416,  
424, 429, 437, 438, 444, 471.
- Ferry, 64, 100, 188, 195, 280, 378,  
451.
- Fever, *see* Diseases.
- Fifeild, Fifeild, Fifild, —, 64, 149.  
William, 1, 3, 4, 98, 249, 280, 450,  
453.
- Fighting, *see* Crimes.
- Figs, *see* Food.
- Fillybrowne, Sarah, 231.
- Fires, 323, 352, 353, 410, 420, 421.
- Firewood, 359, 360, 454.
- Firkin, *see* Utensils.
- Fish and fishing, 14, 15, 35, 58, 76,  
81, 82, 86, 98, 103-106, 155-157,  
185, 186, 208-211, 257, 260-  
262, 264, 283, 287, 316, 328,  
331-333, 367-370, 446, 450.
- Alewives, 283.
- Cod, 158, 186, 257, 280, 405, 439.
- Codlines, 80, 81, 175, 332.
- Cusk, 333.
- Fishing voyage, 332.
- Flakes, 261, 262.
- Hooks, 81, 221.
- Leads, 78, 221, 231.
- Lines, 78, 221.
- Mackerel, 35, 58, 81, 102, 105,  
185, 246, 260, 262, 284, 328,  
332, 370, 387, 397.
- Mackerel lines, 104, 332.
- Nets, 471.
- Pollock, 328.
- Rods, 211.
- Scales, 328.
- Snuds, 175.
- Stage, 14, 80, 103, 107, 120, 175,  
186, 209, 222, 223, 261, 262,  
264, 283, 343, 367.
- Sturgeon, 442.
- Fisherman, *see* Trades.
- Fishing brook, 259.
- Fiske, Fisk, Amos, 118.  
Eleazer, 468.  
Johanna, 457.  
John, 118, 203.  
Joseph, 118.  
Martha, 468.  
Noah, 118.  
Phineas, 14.  
Thomas, 13, 24, 30, 103, 118, 203,  
207, 208, 274, 367, 372, 373,  
385, 386, 393, 449, 450, 457,  
468.  
William, 118, 468.
- Fitch, Fich, John, 76, 119, 158.  
Thomas, 157.

- Fitt, Feates, Abraham, 236, 237,  
305, 410, 424, 425.  
Grace, 237, 424, 425.  
Robert, 237.
- Flanders, Jane, 148, 319.  
Stephen, 63, 319.
- Flannel, *see* Cloth.
- Flax, *see* Manufactures.
- Flax seed, 359, 361.
- Fletcher, Joseph, 56.  
Lancelot, 93.
- Flinder, Jane, 178.  
Richard, 178.
- Flint, Flynt, —, 83.  
Dorothy, 384.  
Edward, 439, 440, 441.  
Elizabeth, 77.  
George, 77.  
John, 77.  
Joseph, 77.  
Thomas, 77, 78.  
William, 5, 20, 73, 117, 176, 256,  
286.
- Flood gates, 336.
- Flour, *see* Food.
- Floyd, Flud, Flood, John, 268, 441,  
454.
- Fogg, Samuel, 1, 198.
- Follin, William, 427.
- Fontines, Fontewes, Elias, 288.
- Food, 251.  
Apples, 119, 245, 246, 315, 316,  
361, 379, 422, 436, 461.  
Bacon, 78, 83, 95, 104, 146, 258,  
330, 362.  
Barberries, 364, 407.  
Barley, 10, 29, 63, 91, 115, 127,  
130, 131, 132, 188, 232, 286,  
336, 345, 346, 347, 379, 459,  
470.  
Beans, Indian, 333.  
Beef, 59, 104, 107, 115, 146, 148,  
150, 157, 165, 187, 188, 238,  
244, 245, 248, 257, 260, 268,  
332, 333, 405.  
Biscuit, 82, 260.  
Bread, 22, 104, 278, 284, 316, 330,  
331, 333, 337, 471.  
Bullock's head, 257.  
Bullock's tongue, 257.  
Butter, 59, 144, 146, 148, 190,  
233, 244, 245, 246, 268, 286,  
316, 333, 355, 356.  
Cake, funeral, 244.  
Cakes, 411, 427.  
Cheese, 59, 66, 144, 146, 244, 245,  
278, 286, 316, 333, 355, 362, 381.  
Chicken, 245.  
Corn, 4, 6, 10, 11, 13, 14, 22, 33,  
40, 51, 64, 77, 83, 86, 115, 121,
- Food, Corn — *Continued.*  
123-125, 128, 138, 157, 161, 165,  
166, 181, 183, 184, 187, 188,  
190, 191, 193, 200-202, 215,  
221, 241, 248, 253, 258, 260,  
269, 271, 274, 289, 300, 304,  
307, 314, 324, 335, 347, 348,  
355, 381, 387, 392, 393, 395,  
405, 430, 456, 459.  
Corn, English, 127, 316, 351.  
Corn, Indian, 19, 23, 33, 39, 63,  
77, 82, 83, 85, 90, 91, 95, 96,  
104, 114, 115, 127, 131, 145,  
166, 208, 232, 233, 241, 245,  
247, 264, 268, 273, 280, 282,  
286, 301, 307-310, 314, 316,  
329, 331, 336, 351, 359, 373,  
374, 379, 399, 411, 425, 429,  
430, 433, 434, 454, 455, 461, 470.  
Currants, 350.  
Damsons, 423.  
Eggs, 144.  
Figs, 66.  
Flour, 301, 333.  
Fruit, 340, 359.  
Ginger, 220.  
Grain, 107, 130, 178, 190, 202,  
347, 357, 358, 359, 360, 361,  
402, 429, 436, 449.  
Hops, 63, 115, 331.  
Malt, 91, 95, 116, 130, 163, 165,  
173, 188, 232, 245, 246, 260,  
273, 285, 308, 314, 316, 331,  
359, 381, 459.  
Marmulet, 144.  
Meal, 138, 245.  
Meat, 141, 181, 202, 246, 256,  
279, 450.  
Milk, 245, 246.  
Molasses, 104, 324, 331.  
Mutton, 257.  
Oats, 282, 307.  
Oil, 115, 308.  
Pastry, 144.  
Pease, 32, 33, 104, 194, 242, 260,  
332, 335, 379, 433, 470.  
Pies, apple, 245.  
Pies, chicken, 245.  
Plums, 144.  
Pork, 82, 86, 91, 95, 104, 107,  
156-158, 165, 187, 188, 190,  
215, 233, 242, 244-246, 248,  
258, 260, 280, 286, 300, 316,  
330, 332, 333, 355, 359.  
Posset, 246.  
Pottage, 141.  
Poultry, 245.  
Provisions, 155, 157, 181, 188,  
245, 246, 286, 288, 301, 333,  
334, 450.

- Food.
- Pudding, 246.
  - Raisons, 91.
  - Rye, 14, 22, 63, 77, 127, 131, 232, 411, 433, 470.
  - Salt, 61, 104, 202, 281, 282, 308, 316, 331, 397, 471.
  - Samp, 50, 51.
  - Suet, 245, 246.
  - Sugar, 81, 82, 91, 92, 104, 144, 170, 260, 298, 348, 388, 417, 465.
  - Sugar, muscovada, 369, 466.
  - Tongue, 257.
  - Turnips, 124, 257, 333.
  - Veal, 257.
  - Venison, 301.
  - Victuals, 155, 193, 245, 261, 278.
  - Vinegar, 275.
  - Vinegar, wine, 116.
  - Wheat, 10, 12-14, 20, 23, 29, 34, 39, 57, 63, 74, 85, 86, 91, 96, 114, 115, 127, 145, 148, 156, 164, 165, 167, 177, 184, 188, 190, 199, 208, 215, 216, 232, 233, 245-247, 258, 260, 273, 276-279, 281, 282, 285, 286, 300, 307, 308, 316, 329, 345-347, 359, 367, 373, 378, 390, 399, 411, 433, 442, 470.
- Foot, Foote, Abigail, 463.  
 Samuel, 202, 247.
- Ford, Forde, Foord, Fourd, Gregory, 269.  
 James, 28, 65, 86, 87, 153, 228, 457.  
 Robert, 405.
- Forest river, 435, 437, 447.
- Forks, *see* Tools and Utensils.
- Forms, *see* Furniture.
- Fort, 427, 434, 439, 440, 441.
- Fortune, 286.
- Fortune, Bay of, 301.
- Fortune harbor, 301.
- Foster, Abraham, 160.  
 Bartholomew, 384.  
 Isaac, 160.  
 Jacob, 150, 315, 379, 380, 470.  
 John, 379.  
 Hannah, 467.  
 Mary, 379, 380.  
 Reginald, 28, 94, 228, 300.  
 Renold, 28, 119, 270, 303, 353, 355, 389, 399.
- Foullsum, Fulsham, Foulsum, John, 59, 97, 148, 199, 316, 317, 363, 364, 406, 450.  
 Mary, 245.  
 Samuel, 245, 366.
- Fowler, Mary, 285, 288.
- Fowler, Philip, 23, 85, 151, 152, 285, 286, 288.  
 Samuel, 407.
- Fowles, Alexander, 435.
- Fowls (domestic).  
 Chicken, 245.  
 Cock, 62, 153.  
 Hens, 62, 359.  
 Poultry, 245.
- Foxe, Nicholas, 221.
- Fraile, Fralle, Frayle, Freal, Elizabeth, 136, 181.  
 George, 136, 181.
- France, 135.
- Franklin, Franklyn, Alice, 163, 164.  
 Phoebe, 164.  
 William, 164.
- Frary, John, 385.
- French, ———, 200, 253.  
 Ens., 299.  
 Sergt., 139, 159.  
 Edward, 56, 147, 149.  
 Ephraim, 398.  
 John, 82, 150, 279, 386, 407, 436.  
 Joseph, 144, 198.  
 Lydia, 266.  
 Samuel, 63, 150, 398.  
 Thomas, 140, 182, 270, 271, 398.
- French, 43, 81, 226, 296.
- Frencham, Henry, 307.
- Friend, Freind, Edward, 247.  
 James, 118, 284, 384, 435, 468.  
 Samuel, 113.  
 Mary, 384.
- Friends, *see* Quakers.
- Frincke, John, 389, 397.
- Frost, Henry, 220.
- Frow, *see* Tools.
- Fruit, *see* Food.
- Frye, Frie, John, 227, 436.
- Frying pans, *see* Utensils.
- Fuller, ———, 66, 263.  
 Elizabeth, 104, 158, 358, 362.  
 Giles, 280, 404.  
 James, 358.  
 John, 30, 38, 59, 104, 106, 108, 156, 158, 162, 165, 228, 256, 258, 260, 261, 273, 282, 284, 292, 297, 304, 358, 367, 422, 455, 456.  
 Joseph, 358.  
 Nathaniel, 358.  
 Sarah, 358.  
 Susanna, 358, 362.  
 Thomas, 358.  
 William, 4, 56, 101, 198, 251, 315, 358, 366.
- Funell, John, 217.  
 Robert, 140, 150, 436.
- Furbur, William, 3.

- Furbush, John, 296, 413.
- Furnishings, Household, 61, 64, 71, 113, 201, 255, 266, 267, 315, 340, 357, 358, 361, 362, 402, 429, 458.
- Bed case, 62, 63, 79, 173, 174, 220.
- Bed cord, 70, 232, 315.
- Bed line, 351.
- Bed mat, 70, 462.
- Bed ticks, 114, 115, 268, 315.
- Bedding, 19, 71, 78, 80, 114, 174, 180, 181, 201, 219, 267, 289, 298, 361, 363, 375, 381, 403, 411, 416, 419, 429, 434, 436, 447-449.
- Beds, 52, 54, 64, 67, 69, 70, 78, 89, 95, 114-116, 137, 141, 175, 181, 221, 266-268, 284, 338-340, 342, 351, 355-358, 361-363, 375, 376, 380, 402, 403, 413, 415, 419, 429, 436, 446, 447, 449, 453, 470.
- Beds, canvas, 79, 174.
- Beds, down, 252.
- Beds, feather, 20, 61, 62, 69, 73, 76, 79, 83, 110, 113, 114, 162, 173, 174, 176, 177, 219, 231, 232, 252, 267, 280, 315, 341, 342, 355, 362, 375, 411, 429, 432, 433, 464.
- Beds, flock, 20, 73, 83, 173, 176, 178, 180, 201, 219, 232, 268, 315, 336, 375, 429, 430, 433, 462.
- Beds, sea, 80, 174, 464.
- Beds, silk grass, 223.
- Beds, straw, 79, 174, 381, 429, 430, 464.
- Blankets, 20, 69, 70, 73, 79, 83, 95, 110, 114-116, 173, 174, 176, 177, 223, 231, 232, 252, 267, 268, 280, 315, 336, 341, 362, 375, 429, 430, 432, 433, 462, 464, 470.
- Boardcloths, 433.
- Bolster case, 63, 79, 173, 174, 252.
- Bolster tick, 381.
- Bolsters, 20, 61, 62, 64, 69, 70, 73, 79, 83, 95, 110, 115, 116, 173, 174, 176, 177, 223, 231, 232, 252, 266-268, 315, 336, 341, 351, 355, 356, 358, 362, 375, 429, 430, 432, 433, 462, 464, 470.
- Bolsters, flock, 232.
- Bolster, silk grass, 432.
- Carpets, 73, 79, 115, 173, 174, 219, 231, 232, 252, 280, 357,
- Furnishings, Household.
- Carpets—*Continued.* 363, 402, 429, 433, 436, 447, 464.
- Coverings, 20, 113, 114, 115, 178, 341, 433, 464.
- Coverlets, 95, 114, 116, 173, 176, 231, 232, 252, 268, 315, 362, 429
- Cullender, 173.
- Cupboard cloths, 80, 115, 173, 174, 231, 232, 252, 433, 464.
- Curtains, 70, 73, 79, 83, 115, 177, 231, 232, 252, 284, 315, 341, 357, 375, 429, 432, 433, 464.
- Curtains, silk, 280.
- Curtains, window, 173, 231, 232.
- Cushions, 79, 115, 173, 174, 177, 219, 231, 232, 252, 280, 316, 359, 381, 411, 432, 433.
- Cushions, cupboard, 115, 174.
- Cushions, window, 232.
- Hamakers, 432.
- Hinges, 392.
- Hooks, 392.
- Keys, 135, 144, 393.
- Latch, 398.
- Linen, 71, 162, 219, 339.
- Linen, table, 232.
- Locks, 144, 180, 305, 352.
- Locks, frog, 266.
- Looking glass, gilt, 232.
- Looking glasses, 78, 79, 173, 174, 219, 268, 316, 337, 358, 381, 429, 432.
- Maps, 361.
- Mat, 173, 429, 430.
- Mattress, 232.
- Napkins, 20, 50, 73, 78, 80, 114, 115, 144, 162, 173, 174, 177, 181, 219, 232, 245, 280, 315, 337, 339, 351, 375, 381, 429, 432, 433, 464.
- Pictures, 231, 268, 360, 361.
- Pillow beers, 20, 63, 73, 80, 83, 95, 115, 173, 174, 177, 180, 181, 219, 232, 315, 351, 356, 375, 381, 429, 432, 433, 464.
- Pillow drawer, 252.
- Pillow ticks, 114.
- Pillows, 20, 61-63, 70, 73, 79, 83, 95, 110, 114, 115, 173, 174, 176, 177, 220, 252, 315, 336, 339, 341, 355, 356, 375, 429, 432, 433, 462, 464.
- Pillows, down, 231, 232, 280.
- Pillows, wool, 315.
- Rods, curtain, 231, 232, 464.
- Rugs, 20, 61, 69, 70, 73, 76, 79, 83, 114, 115, 123, 173, 174, 176, 177, 215, 220, 232, 252, 266-268, 280, 315, 316, 336, 351,

## Furnishings, Household.

- Rugs—*Continued.* 356, 357, 359, 361, 375, 382, 383, 402, 411, 429, 430, 432, 433, 448, 462, 464, 470.
- Rugs, cabin, 220.
- Rugs, cotton, 62, 63, 114.
- Sheets, 20, 62, 63, 73, 78, 80, 83, 95, 114, 115, 162, 173, 174, 176, 177, 180, 181, 219, 232, 245, 252, 268, 280, 298, 315, 336, 339, 341, 351, 356, 375, 381, 429, 432, 433, 462, 464.
- Sheets, calico, 115.
- Sheets, flaxen, 315.
- Sheets, Holland, 73, 115, 232.
- Starch, 91.
- Tablecloths, 73, 78, 80, 83, 115, 173, 174, 177, 181, 219, 232, 315, 375, 381, 429, 432.
- Tablecloths, calico, 80, 174.
- Tablecloths, Holland, 232.
- Tablecloths, ossenbridge, 174.
- Towels, 73, 80, 115, 173, 174, 177, 180, 232, 245, 280, 356, 429, 432, 433, 464.
- Valances, 70, 73, 79, 83, 115, 173, 174, 232, 252, 280, 284, 315, 375, 432, 433, 464.
- Furniture, 71, 76, 219, 358, 362, 447, 448, 449.
- Bedstead, canopy, 231.
- Bedstead, close, 403.
- Bedstead, cord, 358.
- Bedsteads, 20, 55, 69, 70, 78, 79, 83, 95, 115, 173, 174, 176, 201, 219, 231, 232, 252, 268, 315, 356, 358, 359, 360, 362, 375, 379, 381, 411, 429, 430, 432, 433, 434, 446, 464.
- Bedsteads, half-headed, 173, 361.
- Bedsteads, trundle, 173, 219, 232, 315, 357, 358, 411, 432, 433, 464.
- Box, apprentice, 78.
- Box, broad, 315.
- Box, carved, 362.
- Box, inlaid, 359.
- Boxes, 51, 61-63, 69, 73, 76, 78, 79, 95, 173, 174, 176, 177, 180, 181, 219, 232, 268, 315, 332, 336, 338, 351, 355, 363, 381, 393, 429, 432, 433, 434, 464.
- Case, glass, 363.
- Chairs, 19, 20, 61, 63, 69, 73, 79, 83, 95, 114, 115, 162, 173, 174, 176, 177, 231, 232, 252, 316, 339, 342, 356, 357, 359, 363, 375, 379, 381, 402, 411, 429, 430, 432, 433, 464.

## Furnishings, Household.

- Chairs, basket, 464.
- Chairs, cushion, 232.
- Chairs, joined, 69, 471.
- Chair, frame, 252.
- Chest, carved, 362.
- Chest, surgeon's, 163, 164.
- Chest of drawers, 232.
- Chests, 20, 35, 49, 55, 62, 63, 69, 73, 76, 78, 80, 81, 83, 95, 114, 116, 162, 173, 174, 176, 177, 180, 181, 201, 209, 211, 219, 223, 231, 232, 245, 252, 266, 267, 268, 337, 339, 340, 342, 351, 352, 255, 356, 359, 360, 361, 363, 375, 380, 381, 393, 403, 415, 416, 418, 419, 429, 433, 434, 462, 464.
- Chests, sea, 316, 432, 449.
- Chests, wainscot, 73, 79, 173, 174, 432.
- Chests, settle, 73.
- Clock, 231.
- Coffer, 83.
- Couch, 232.
- Cradle, 95, 173, 337, 339, 358, 432, 464.
- Cupboards, 69, 95, 114, 115, 144, 174, 177, 180, 201, 316, 339, 356, 362, 381, 419, 429, 432, 433, 449.
- Cupboards, court, 79, 173, 174, 252.
- Cupboards, hanging, 231.
- Cupboards, side, 375, 432, 463, 464.
- Cupboards, livery, 231.
- Desk, 173, 176, 232, 315.
- Dresser, 245.
- Forms, 19, 115, 173, 177, 219, 231, 252, 315, 337, 379, 381, 402, 464.
- Joinery, 71.
- Press, 381.
- Settle, 73, 79, 173, 174, 219, 252, 449.
- Stools, 61, 62, 69, 114, 115, 121, 162, 177, 181, 219, 231, 232, 339, 363, 375, 429, 430, 432, 433, 464.
- Stools, joined, 63, 79, 173, 174, 219, 231, 339, 403, 429, 464.
- Table, joined, 403.
- Table, round, 69, 280.
- Table boards, 268.
- Tables, 19, 20, 62, 63, 69, 76, 79, 80, 83, 95, 114, 115, 124, 162, 173, 174, 176, 177, 181, 196, 219, 231, 252, 315, 316, 339, 356, 357, 358, 360, 363, 375, 381, 402, 429, 432, 433, 464.



- Furnishings, Household.  
Trunks, 20, 78, 177, 231, 232, 267, 315, 316, 362, 363, 433, 464.
- Fustian, *see* Cloth.
- Gage, Gadge, Gagge, Gayge, —,**  
13.  
Corp., 37, 259.  
Benjamin, 384.  
John, 12, 37, 74, 86, 87, 270, 271, 346, 384.  
Jonathan, 467.  
Nathaniel, 228.  
Samuel, 26, 27.
- Gains, Gains, John, 303.  
Samuel, 39.
- Gale, Gayle, Galle, Ambrose, 14, 84, 102, 106, 107, 203, 269, 291, 296, 297, 334, 367, 368.  
Bartholomew, 376, 377, 432.  
Edmond, 297.
- Gallop, Gallope, Hannah, 136, 242, 243.
- Gaols, *see* Prisons.
- Gardens, 156, 157, 222, 268, 340, 359, 414, 429, 433.
- Gardner, Gardenar, Gardiner, —,  
77, 83, 225, 288.  
Lt., 462.  
George, 20, 116, 117, 223, 281, 288, 289, 293, 298, 378, 381, 434, 435, 448, 454, 466.  
John, 102, 110, 135, 203, 204, 207, 216, 237.  
Joseph, 116, 321, 350, 435, 454.  
Richard, 19, 20, 116, 117, 156, 182, 224, 257, 293, 343, 435, 459.  
Samuel, 203, 204, 207, 210, 216, 237, 289, 298, 343, 413, 419, 448, 459, 464.  
Thomas, 18, 19, 83, 109, 116, 224, 294, 330, 332, 339, 343, 379, 381, 431, 462, 466.  
William, 96.
- Garland, John, 99, 148.
- Garlier, Debora, 461.
- Gaskin, Gaskine, Samuel, 117, 182, 223, 293, 343, 381, 386, 434.
- Gatchell, Getchell, —, 156.  
John, 16, 438.  
Joseph, 297.  
Samuel, 319.
- Gatchell's hill, 156, 157, 222.
- Gates, 23, 31, 95, 240, 357, 363, 411, 444, 471.
- Geake, George, 155.
- Geare, Gere, Mary, 109.  
Sarah, 384.
- Geare, William, 207, 338.
- Gedney, Gidney, Gidnie, Gidny, —, 17-19, 80, 109, 117, 215, 223, 225, 226, 270, 273, 294, 296, 344, 382, 430, 436, 462.  
Bartholomew, 43, 44, 204, 206, 220, 281, 296, 340, 342, 343, 367, 382, 383, 386, 387.  
John, 7, 179, 256, 260, 337, 338, 343, 378, 413, 416, 417, 428, 439, 464.
- Gelligin, Gelliginn, Gilligan, Gilligen, Migilligan, Alexander, 369, 414, 419, 443.  
Francis, 414, 419, 420, 443, 444.
- General Court, 337, 351, 358, 441, 453, 459.  
Cases referred to, 141, 199, 245, 259, 275, 292, 310, 322, 352, 353.
- Gent, John, 82.
- George, James, 47.
- Georges, 104.
- Gerrish, Gerish, —, 63.  
Capt., 157, 449.  
Benjamin, 340.  
William, 4, 47, 75, 126, 152, 172, 355.
- Getch, Thomas, 217.
- Getchell, *see* Gatchell.
- Gibbons, Maj., Gen. 394.
- Gibbs, Robert, 296, 332.
- Gibson, William, 15.
- Giddens, Giddeng, Gidding, Giddinge, —, 397.  
George, 270, 362, 396.  
John, 27, 140, 153, 235, 354, 399, 400.  
Joseph, 399, 412, 446.  
Thomas, 446.
- Gifford, Giffard, Giffourd, Jefferd, Jefords, —, 429, 456.  
John, 43, 45, 178, 262, 305, 306, 455.  
Margaret, 456.  
T., 330.
- Giggles, Giges, Jeggells, —, 296.  
Elizabeth, 446, 447.  
Thomas, 176, 446, 466.  
William, 446.
- Gilbert, Gelbord, Gilbard, Gillbert, —, 338.  
Hannah, 338.  
Thomas, 150, 310, 312, 394, 445.
- Giles, Gilde, Gile, Guile, Eleazer, 377.  
Peter, 106.  
Samuel, 277.
- Gilman, Gillman, Edward, 365.  
John, 3, 59, 60, 148, 149, 250,

- Gilman, John, —*Continued*,  
     316, 317, 319, 365, 406, 408,  
     409.  
     Moses, 60, 148, 198, 279, 365,  
     451.  
 Gill, John, 56, 279.  
 Gillum, Gillam, Benjamin, 282,  
     284, 285, 382.  
     Joseph, 285.  
     Zachery, 285.  
 Gimlet, *see* Tools.  
 Gingill, Gingell, Gingion, John, 46,  
     322, 323.  
 Ginger, *see* Food.  
 Glascock, Richard, 170.  
 Glasses, *see* Utensils.  
 Gloucester, 21, 40, 41, 43, 47, 76,  
     81, 82, 108, 109, 119, 135, 137,  
     143, 158, 161, 185, 186, 208,  
     220, 226, 241, 255, 258, 260,  
     262, 263, 266, 267, 291, 308,  
     309, 326, 327, 328, 335, 337,  
     347, 352, 354, 374, 377, 391,  
     431.  
 Glover, John, 264, 276,  
     Josse, 10.  
     Mary, 264.  
     Stephen, 41, 42, 154, 335, 347.  
 Gloves, *see* Clothing.  
 Gloyne, Thomas, 170.  
 Godfrey, Godfry, Godfray, —,  
     424.  
     John, 1, 6, 7, 12, 14, 21, 23, 27,  
     28, 34, 39, 40, 46, 55-57, 74,  
     84, 85, 120-122, 139, 145, 166,  
     167, 171, 181, 183, 184, 214-  
     216, 222, 240, 247, 251, 258,  
     264, 329, 330, 345, 352, 367,  
     370, 382, 383, 390, 393, 401,  
     404, 405, 412, 413, 421-423,  
     454.  
     William, 61, 144, 198.  
 Goding, Richard, 266, 267.  
 Goe, Edward, 59, 146, 198.  
 Goffe, John, 472.  
 Goldwyer, Gouldwire, George, 1,  
     48, 57, 145, 247, 363.  
 Goodale, Goodall, —, 77, 78.  
     Hannah, 384.  
     Robert, 379.  
     Sarah, 384.  
 Gooderidge, Jeremiah, 196.  
 Goodhue, Goodhew, —, 26, 27.  
     William, 96, 229, 325, 326, 351,  
     355, 363, 436.  
 Goodwin, Edward, 364.  
     Stephen, 143, 144, 152-154, 192,  
     227.  
 Goldsmith, Sarah, 468.  
 Goose, William, 138, 176, 177.
- Gore, John, 301, 302.  
 Gott, Gote, —, 386.  
     Charles, 5, 14, 73, 117, 118, 161,  
     281, 468.  
     Daniel, 385, 468.  
     Marah, 385.  
     Sarah, 118.  
 Gouf, Edward, 410.  
 Gouge, — (Indian), 252.  
     Dr., 449.  
 Gould, Gold, Goold, John, 66, 125,  
     126, 131, 132, 138, 142, 183,  
     193, 199, 259, 290, 299, 307,  
     335, 339, 345, 354, 370, 371,  
     373, 382, 386, 427, 447.  
     Nathan, 1, 97.  
     Phebe, 117.  
     Sarah, 386.  
     Thomas, 386.  
     Zaccheus, 13, 117, 125, 236, 259,  
     260, 307, 354, 371, 447.  
 Gove, Edward, 56, 248, 317-320,  
     365, 424, 425, 450, 452.  
 Governor, the, 369, 377.  
 Gowing, Gowin, Robert, 14, 180.  
 Gowns, *see* Clothing.  
 Goit, Goyte, —, 223.  
     John, 55, 103, 391.  
 Grafton, Graffam, Joseph, 177, 413,  
     447.  
     Stephen, 35, 68, 78, 86.  
 Grain, *see* Food.  
 Grant, John, 21, 453.  
     Peter, 285.  
     Thomas, 142, 299, 304, 387, 388.  
 Grasier, Daniel, 190, 430.  
 Gravel hill, 127.  
 Graves, —, 154, 373.  
     Amy, 295.  
     Mark, 227, 270, 274, 295, 467.  
     Richard, 341.  
     Samuel, 152-154, 192, 228, 299,  
     304, 352, 373, 456.  
 Gray, Robert, 117, 182.  
 Great Island, 3.  
 Great pond, 406.  
 Greeke, John, 170.  
 Greely, Grele, Greley, Andrew, 56,  
     247, 404.  
     Philip, 424.  
 Green, Greene, —, 64.  
     Daniel, 190, 191.  
     Henry, 4, 98, 99, 147, 247, 365.  
     Johanna, 140.  
     John, 211, 261, 330, 333, 435.  
     Kate, 430.  
     Nathaniel, 466.  
     Richard, 463-465.  
     Samuel, 211, 212, 394.  
 Greenfield, Peter, 383, 470.

- Greenland, Grenland, —, 51-55, 66-68, 70, 90, 196.  
 Henry, 44, 45, 47-50, 75, 88, 89, 96, 106, 118, 133, 194-196, 239, 241, 242, 348.
- Greenleaf, Greenlife, Grenleafe, Greenlief, Greenleif, Grenlef, Grenleff, Edmond, 4, 370.  
 Enoch, 273.  
 Samuel, 293.  
 Stephen, 63, 88, 130, 182, 187, 293.
- Gregory, Gregory, David, 296.  
 John, 26, 354.  
 Jonas, 154, 236, 400.
- Gregs, Stephen, 155.
- Gretian, Thomas, 154-156.
- Gridirons, *see* Utensils.
- Griffin, Griffen, Griffing, —, 21, 273.  
 Humphry, 159, 163, 236, 237, 272, 307.  
 John, 37, 104, 124, 148, 163, 240, 272, 276-278, 307, 363, 390, 397, 404.  
 Margerite, 320.
- Grimes, Grime, Greime, Alister, 16, 167, 269, 400, 434, 460, 461.
- Grindstones, *see* Tools.
- Groom, Groome, —, 63, 64.  
 Samuel, 146.
- Grosse, —, 156.
- Groton, 158.
- Groundin, Judith, 415.
- Grove, Edward, 380.
- Grover, —, 386.  
 Edmund, 221.  
 John, 386.  
 Nehemiah, 428.  
 Stephen, 306.
- Guinea, 290.
- Guns, *see* Weapons.
- Guppy, Reuben, 276.
- Gushon, —, 298.
- Gutterson, Elizabeth, 351.  
 William, 351.
- Guy, —, 94.  
 William, 92, 93.
- H**ackett, Hacket, William, 198, 199, 450.
- Hadley, Hadlye, Hadly, Hudly, Hudley, Clement, 15, 84, 125, 287.  
 George, 34-37, 74, 138, 166, 167, 183, 184, 235.  
 Mary, 138.
- Hadon, Haeden, Jarret, 404.  
 William, 386.
- Hage, Heg, James, 265, 266.
- Haggett, Haget, Hagget, Ann, 430.  
 Hannah, 384.  
 Henry, 397, 438.
- Haines, Richard, 296.
- Haire, Haric, Joseph, 224.
- Hal, —, 64.
- Hale, —, 244.  
 Henry, 385.  
 John, 385.  
 Thomas, 22, 23, 119, 355, 370, 387.
- Halfield, Haffelde, Haffeild, Haftel, Haftell, Harfeild, —, 375.  
 Martha, 321, 352, 371, 456, 468.  
 Rachel, 321, 371, 372, 457.
- Halfield bridge, 399.
- Hall, —, 63.  
 Ephraim, 422, 423, 461.  
 Joseph, 319.  
 Ralph, 247, 248, 250, 319.  
 San, 62.
- Halloway, —, 460.  
 Joseph, 460.
- Haly, Halley, Hally, Richard, 103.  
 Thomas, 287, 300.
- Hammers, *see* Tools.
- Hammersmith, 21.
- Hamon, William, 262.
- Hampton, N. H., 1, 3, 4, 44, 45, 57, 59, 60-62, 64, 68, 98, 99, 145-150, 198, 199, 202, 248, 249-251, 253, 263, 279-281, 318-320, 363-366, 397, 404-406, 408-410, 423-425, 450-453.
- Hampton river, 99.
- Hams, William, 4.
- Hancock, —, 447.  
 Hugh, 376.
- Handkerchiefs, *see* Clothing.
- Hands, Handes, Mark, 324, 369.
- Hanever, Richard, 105.
- Hanneford, John, 324.
- Hanforth, Hanford, Nathaniel, 31, 102, 112, 114, 256, 297, 403.
- Hanscombe, James, 371.
- Hardy, Hardie, Ann, 383.  
 John, 469.  
 Joseph, 43.  
 Thomas, 383.
- Harper, —, 11.
- Harradin, Hariden, Harreden, Harrendin, Herendone, —, 14.  
 Edward, 272, 326, 327, 345, 383, 390, 391, 442.  
 Elizabeth, 225.
- Harredin's creek, 74.
- Harriman, Hariman, Harryman, Hereman, Heriman, Leonard, 70, 191, 239, 363.  
 Margaret, 119.

- Harris, Harise, —, 10, 242-244.  
 Elizabeth, 231.  
 John, 14, 22, 182, 199, 221, 231.  
 Martha, 136, 243, 303.  
 Mary, 231.  
 Nathaniel, 231.  
 Thomas, 133, 243, 244, 302, 303.  
 William, 131, 346.
- Harrison, Edward, 170.  
 William, 347, 348.
- Harrod, John, 324.
- Harrow, *see* Tools.
- Hart, Harte, Edward, 108.  
 Mary, 245.  
 Samuel, 314, 456.  
 Thomas, 122, 245, 270, 354, 436.
- Hartshorne, Jonathan, 114.
- Harvard College, 10, 231, 233, 315, 360.
- Harvy, Harvie, Richard, 298.  
 Thomas, 40-42, 120, 209.
- Harwood, —, 219.  
 Henry, 177, 178.
- Haseltine, Haseldine, Heseltine, Hasseltine, Hasselton, Haselton, Hasellton, Heslington, Hezelton, —, 240.  
 Charles, 388, 393.  
 David, 2, 37.  
 Ellen, 338.  
 Joan, 37.  
 John, 36, 37, 144, 198, 276, 277, 279, 451, 452, 454.  
 Robert, 2, 35-37, 74, 270, 344, 387, 436.  
 Samuel, 277.
- Haskell, Haseall, Hasckall, Has-kull, Hasscall, Hasscall, Hass-  
 kel, Elizabeth, 427, 428.  
 Hannah, 428.  
 John, 235, 428.  
 Josiah, 427, 428.  
 Mark, 428.  
 Roger, 203, 221, 386, 427-429.  
 Samuel, 427, 428.  
 Sarah, 428.  
 William, 47, 267, 327, 354, 391, 428, 442.
- Hasket, Stephen, 427.
- Hasson, Ed., 182.
- Hatchets, *see* Tools.
- Hatherlee, Leonard, 63.
- Hathorne, Hathorn, Haythorne, —, 226.  
 Capt., 283.  
 Maj., 101, 110, 116, 119, 165, 205, 221, 223, 294, 320, 344, 435, 445, 446, 467, 471.  
 Eleazer, 218, 222, 226, 321, 330, 337, 338, 343, 344.
- Hathorne, John, 15, 16, 21, 24-26, 29-31, 38, 74, 75, 106-109, 154, 158-160, 165, 177, 218, 228, 263, 282, 284, 285, 290, 297, 298, 336, 373, 374, 382, 455, 456, 459, 460.  
 Nathaniel, 169.  
 Sara, 293.  
 William, 5, 18, 19-21, 26, 31, 32, 34, 35, 38, 39, 43, 55, 68, 80, 83, 84, 102, 105, 106, 111, 112, 117, 118, 154, 157, 158, 167, 169, 177, 180, 182, 203, 205, 206, 209, 219-221, 224, 226-228, 238, 256, 257, 262, 264, 266, 268, 269, 270-272, 275, 276, 281, 283, 292, 295, 297, 299, 306, 321, 330, 333-335, 338, 342, 344-346, 348, 349, 353, 366-369, 376-378, 382, 387, 388, 413-421, 426, 434, 436, 439-441, 444, 445, 454, 459-462, 470, 471.
- Hats, *see* Clothing.
- Hatter, *see* Trades.
- Haugh, William, 327.
- Haul, —, 253.
- Hauxworth, Thomas, 408.
- Haven, Hanna, 112.  
 Joseph, 112.  
 Mary, 34, 112.  
 Richard, 32, 39, 159, 297, 335, 345, 348, 383, 422, 444, 445, 459-461.  
 Susanna, 112.
- Haverhill, 1, 2, 4, 6, 27, 34-36, 39, 56, 57, 60, 62, 64, 84, 100, 108, 120, 122, 125, 145, 148, 161, 166, 167, 184, 198, 199, 200-202, 239, 247, 249-251, 253, 272, 280, 318, 319, 359, 361, 387, 390, 393, 404, 405, 407, 409, 423, 424, 450-452, 454.
- Haverlen, Betty, 470.
- Hawkes, Haukes, —, 200.  
 John, 154, 306.
- Hawkins, Hauckins, Haukings, —, 104, 331.  
 Thomas, 104, 394.
- Hawksworth, *see* Hauxworth.
- Hawley, Hauly, Hawly, —, 302.  
 Richard, 343, 387.  
 Thomas, 286.
- Hay, 3, 33, 45, 46, 57, 86, 115, 147, 160, 181, 188, 199, 200, 249, 268, 270, 275, 276, 281, 286, 296, 305, 307, 309, 317, 326, 327, 345, 346, 348, 352, 382, 391-393, 396, 404, 407, 411, 418, 442, 444-446, 455.

- Hay seed, 270.  
 Hayman, John, 284, 288.  
 Haynes, *see* Haines.  
 Hayward, Anna, 279.  
     Nehemiah, 279.  
 Hazen, Edna, 469.  
     Edward, 390, 469.  
 Hearle, Richard, 330, 331.  
 Hearson, Thomas, 350.  
 Heartbreak hill, 279.  
 Heath, Heth, Bartholemew, 144,  
     167, 198, 200, 202, 247, 251,  
     277.  
 Heddan, Hedden, Andrew, 22, 123.  
 Hedge, 27, 126, 127, 129, 414.  
 Heifers, *see* Animals (domestic).  
 Hemp, 61, 62, 201, 277, 351, 361,  
     434.  
 Hemp seed, 361.  
 Hendrick, Hendricks, Daniel, 1, 248.  
 Henly, Elias, 221.  
 Hens, *see* Fowls.  
 Herrick, Herreck, Herick, —, 386.  
     Ephraim, 289, 371.  
     Henry, 5, 73, 203, 221, 226, 270,  
     296, 382, 454.  
     Zachary, 226, 269, 445, 461, 466.  
 Hibbert, Robert, 16, 462.  
 Hibbins, William, 9.  
 Hidden, Andrew, 294.  
     Elizabeth, 294.  
 Hides, 60, 257, 305, 362, 379.  
     Cow, 358.  
 Higginson, Higgesson, —, 77, 462.  
     John, 178, 179.  
 Higgledde piggildee, 63, 64, 248.  
 Highways and ways.  
     Assault on, 269, 444, 459, 460.  
     Defect in, 83, 117, 387.  
     Laying out, 204, 207, 253, 346.  
     Repair of, 60, 78, 279, 291, 343,  
     440.  
 Hill, Hills, —, 42, 291.  
     Abraham, 290, 291, 298.  
     Charles, 378, 420, 460.  
     John, 20, 117, 223, 293, 340, 427,  
     428, 466.  
     Joseph, 8, 41, 250, 299, 449.  
     Sarah, 290, 298.  
     Valentine, 1.  
     Zebulon, 350, 383.  
 Hilliar, Benjamin, 101.  
 Hilliard, Hillyard, Benjamin, 451.  
     Edward, 14.  
     Elizabeth, 451.  
     Job, 339, 445.  
 Hilton, —, 248.  
     Edward, 250.  
 Hinchman, Thomas, 170.  
 Hinges, *see* Furnishings (household).  
 Hingsells, Thomas, 204.  
 Hiritton, Elizabeth, 224.  
 Hoare, Hoer, Daniel, 211, 212.  
     John, 211, 212.  
     Thomas, 334.  
     William, 80.  
 Hobbs, Hobs, Hobes, Martha, 338.  
     Morris, 3, 44, 56, 451.  
     Richard, 294.  
     Thomas, 193, 218, 386.  
 Hodges, Andrew, 84, 314, 315.  
 Hodgkins, John, 172.  
 Hodgman, Thomas, 471.  
 Hoos, *see* Tools.  
 Hog Island, 86, 119, 345, 359, 449.  
 Hogs, *see* Animals (domestic).  
 Hogsheads, *see* Utensils.  
 Holdredg, Holdred, —, 366.  
     William, 365, 409.  
 Holland, 287.  
 Holland, *see* Cloth.  
 Hollingworth, Eleanor, 292.  
     Susanna, 425.  
     William, 292, 413, 446.  
 Holmes, Homes, Holms, George,  
     369.  
     Richard, 124, 299, 353, 354, 383,  
     437.  
     Samuel, 383.  
 Holt, Hanna, 295.  
     Martha, 325.  
     Nicholas, 183, 295, 337.  
 Homan, Edward, 296.  
 Honyewell, Richard, 211.  
 Hood, Hudd, Mary, 112.  
     Richard, 112, 263, 282.  
 Hoods, *see* Clothing.  
 Hook, —, 6.  
 Hook's meadow river, 6.  
 Hooks and eyes, 305.  
 Hooper, Hoop, Hupper, Francis,  
     288, 387.  
     Robert, 102, 282, 296.  
     Thomas, 170.  
     William, 221, 289.  
 Hopin, John, 22.  
 Hopkins, Grace, 246.  
     William, 246.  
 Hopkinson, Hobkinson, Hopken-  
     son, Hester, 469.  
     Jeremiah, 295.  
     John, 23.  
     Jonathan, 254, 384, 469.  
 Hops, *see* Food.  
 Horn, —, 417.  
     John, 206.  
 Horse equipment, *etc.*  
     Breast-girth, 145, 336.  
     Breastplate, 268, 336.  
     Bridle, 173, 180, 244, 305, 358, 359.

- Horse equipment, etc.  
 Collar, horse, 471.  
 Crop, 305.  
 Crupper, 268.  
 Girt, double, 268.  
 Pannel, 337, 359.  
 Pillion, 63, 83, 219, 268, 337, 359.  
 Pillion and cloth, 173, 432.  
 Saddle, 63, 83, 113, 145, 173, 180,  
 219, 254, 268, 289, 305, 336,  
 358, 436.  
 Saddle cloth, 417.  
 Stirrups, 268, 290, 336.  
 Traces, 471.
- Horses, *see* Animals (domestic).
- Horsly, Joseph, 437.
- Horsman, Auchias, 431.
- Hose, *see* Clothing.
- Hotten, Elizabeth, 338.
- Hough, Huff, William, 390, 391.
- Hourglasses, *see* Utensils.
- House of Correction, 218, 224, 376,  
 453, 462.
- Houses, *see* Buildings.
- Hovey, Daniel, 84, 97, 163, 270,  
 278, 313, 336, 346, 362, 393,  
 410, 444, 447.
- How, Abraham, 161.  
 Elizabeth, 161.  
 James, 84, 161, 312, 326, 403,  
 404.  
 John, 70, 85, 119, 182, 183, 187,  
 192-194, 197, 198, 353, 403,  
 444, 447.  
 Mary, 194.  
 Sarah, 161.
- Howard, Nathaniel, 432.  
 Robert, 322, 335.  
 William, 43, 97, 249, 260, 322,  
 323.
- Howlett, Houlat, Ens., 66, 231.  
 Thomas, 163, 228, 235, 259, 312,  
 344, 346, 387.
- Hoyt, John, 56, 59, 148, 257, 404,  
 407, 410.  
 Thomas, 131, 148.
- Hubbard, Hubberd, Huberd, Hub-  
 ard, —, 154, 224, 278, 305.  
 Elizabeth, 225.  
 Jeremiah, 225.  
 John, 231.  
 Margaret, 231.  
 Mary, 234.  
 Nathaniel, 231.  
 Richard, 321, 404, 436, 456, 457.  
 William, 230, 233, 234, 310, 313,  
 358.
- Hudson, Hutson, Elizabeth, 444.  
 John, 113, 425.  
 Jonathan, 444.
- Hudson, William, 383.
- Hue and cries, 65, 159, 219, 220, 227,  
 265, 290, 319, 351, 352, 435.
- Huggins, John, 3, 250, 281.
- Hull, Isaac, 79.  
 John, 464, 465.
- Humber, Edward, 281, 439, 460,  
 464.
- Humphry, Humfries, Humfrey,  
 Humfrye, Humfryes, Humph-  
 rey, Humphrye, Umphrey, —, —,  
 9-11, 367, 437.  
 John, 8, 9, 11, 81, 106, 109, 371,  
 374, 434.  
 Joseph, 8, 9, 81, 106, 107, 109,  
 434.
- Humphry (Indian), 299.
- Hunt, —, 142.  
 Samuel, 139, 140, 246, 255, 313.
- Hunter, William, 183.
- Hunting hill, 404.
- Huntington, William, 63.
- Huse, Hews, Abel, 295, 347, 385.  
 Thomas, 385.
- Hussey, Hussy, Husie, Husey, —,  
 3, 64, 199.  
 Capt., 365, 451.  
 Christopher, 1, 98, 100, 202, 253,  
 280, 320.  
 John, 60, 100.
- Huston, Jonathan, 102.
- Hutchins, Houchin, Houchings,  
 Huchens, Hutchens. Daniel,  
 107, 108.  
 Jeremy, 261, 265, 394.  
 John, 1, 57, 59, 60, 146, 148, 198,  
 247-249, 253, 272.  
 Joseph, 384.  
 William, 384.
- Hutchinson, Hucheson, Huches-  
 son, Hutchingson, Huttcheson,  
 Capt., 43, 290, 387.  
 Edward, 266, 387.  
 Francis, 306.  
 Hannah, 218, 270, 274, 275.  
 John, 307, 373.  
 Joseph, 102, 118.  
 Richard, 108, 270, 271, 307.  
 Samuel, 218.
- Hutten, Huton, Hutton, Lot., 449.  
 Margaret, 468.  
 Martha, 118.  
 Richard, 83, 118, 208, 312, 367,  
 371, 372, 449, 457, 468.
- Ilsley, Elsly, Ilslie, Ilsly, Barbara,  
 50, 53, 89.  
 Elisha, 45.  
 John, 62, 150, 253, 254, 319, 365,  
 409.

- Ilsley, William, 15, 50, 67, 182, 238,  
 270, 388, 436, 448, 472.  
 Indentures, 28, 60, 62, 101, 172, 202,  
 286, 366.  
 Independents, 310.  
 Indians, 180, 195, 196, 227, 287,  
 288, 296, 297, 299, 301, 302,  
 322, 332, 333, 366, 400, 458.  
 Indians and Indian names.  
   Annisquam, 442.  
   Chebacco, 87, 95, 228.  
   Damaris cove, 211.  
   Gouge, 252.  
   Humphry, 299.  
   Monhegan, 14, 15.  
   Montinicus 261.  
   Nahant, 284, 285, 336.  
   Ned a cocket, 299.  
   Newagon, Cape, 75.  
   Peter, 297.  
   Quechesha, 2.  
   Quinopeg, 442.  
   Quomscot, 248, 317.  
   Sagamore, the, 287, 301.  
   Sagamore's grave, 400.  
   Sagamore hill, 10, 11, 107, 114.  
   Sesegenaway, 182.  
   Squam, 327, 391.  
   Squanscot, 248.  
   Wigwams, 252.  
   Winnissimct, 156, 227, 284, 285,  
   455.  
 Ingalls, Engolls, Ingals, Ingols, In-  
 golls, —, 26.  
   Elizabeth, 461.  
   Elizabeth Baraet, 423.  
   Francis, 8, 10, 106, 107.  
   Henry, 227, 375, 467.  
   Mary, 467.  
   Moses, 467.  
   Robert, 76, 108, 158, 159.  
   Samuel, 26, 27, 165, 183, 354.  
 Inquests, 223, 227, 281, 282, 296,  
 297, 469.  
 Inventories.  
   Anaball, John, 241.  
   Antrum, Obadiah, 377, 378.  
   Antrum, Thomas, 72, 83.  
   Ayers, *see* Evers.  
   Barnes, Thomas, 173, 174.  
   Bartoll, John, 222, 223.  
   Bennet, John, 76.  
   Bradstreet, Bridget, 356.  
   Brocklebanke, John, 363.  
   Browne, Jonathan, 427, 463, 464.  
   Bullock, Henry, 176.  
   Cantlebury, William, 81, 82.  
   Cheney, John, 362.  
   Cockerill, Elizabeth, 162.  
   Coleman, John, 264.  
   Collby, Anthony, 62-64.  
   Collings, Gabriel, 255.  
   Comins, John, 110, 135, 136.  
   Coule, William, 61.  
   Eastwick, Edward, 339.  
   Ellitt, Richard, 181.  
   Emerson, Thomas, 363.  
   Eyers, John, 201.  
   Farr, George, 19.  
   Farrington, John, 336, 337, 374.  
   Feiremayde, Benjamin, 378.  
   Flint, Thomas, 77, 78.  
   Fraile, George, 136, 181.  
   Fuller, John, 358.  
   Giggles, Elizabeth, 446, 447.  
   Goyte, John, 55.  
   Harwood, Henry, 177, 178.  
   Hascall, Roger, 429.  
   Hodges, Andrew, 315, 316.  
   Humphries, John, 81.  
   James, Thomas, 379.  
   Johnson, Richard, 381, 382.  
   Kent, Richard, 470, 471.  
   Killim, Austin, 449.  
   Killim, widow, 450.  
   Lambert, John, 453.  
   Lawes, Francis, 342.  
   Lemon, Robert, 432, 433.  
   Lemon, William, 3.  
   Mansfield, Robert, 403.  
   Mettcalfe, Joseph, 436.  
   Moulton, Robert, 289.  
   Mudle, Henry, 81.  
   Philbrick, Thomas, 452.  
   Pickworth, John, 113, 114.  
   Preist, James, 191.  
   Randall, Thomas, 462.  
   Reed, Thomas, 433, 434.  
   Roberds, Robert, 94, 95.  
   Rogers, Nathaniel, 231, 232.  
   Rooten, Richard, 114, 115.  
   Safford, Thomas, 401, 402.  
   Sandin, Arthur, 429, 430.  
   Scudder, Elizabeth, 379.  
   Searle, William, 449.  
   Seers, Alexander, 431, 432.  
   Sharpe, Alice, 448.  
   Slather, John, 267, 268, 294.  
   Smith, George, 81.  
   Smith, Hugh, 411.  
   Smith, Thomas, 20, 21.  
   Sollas, Grace, 174.  
   Sollas, Robert, 78.  
   Sollas, Thomas, 79, 80.  
   Spooner, Thomas, 219.  
   Stickney, William, 357.  
   Stileman, Elias, 18, 115, 116.  
   Stuart, William, 180, 181.  
   Symonds, Joanna, 356.

## Inventories.

- Tompkins, Ralph, 379.  
 Trask, William, 340.  
 Tucke, Robert, 252, 253.  
 Tucker, Nicholas, 220.  
 Veren, Nathaniel, 264, 290.  
 Wells, Thomas, 361.  
 Whiple, Matthew, 95.  
 White, Richard, 181.  
 Wiate, Elias, 374.  
 Window, Richard, 267.  
 Witt, Jonathan, 268.  
 Worcester, —, 60.  
 Worth, Lionel, 449.
- Ipswich, 9, 10, 12, 14, 15, 21, 23, 25,  
 27, 31, 35, 37, 46, 48, 56, 65, 67,  
 70, 71, 74, 77-81, 84-86, 90, 92,  
 94-97, 111, 119, 120-122, 128,  
 133-140, 142, 144, 150, 151,  
 152, 154, 158, 162-164, 166, 168,  
 169, 181-184, 188-191, 195, 197,  
 198, 203, 207, 212-216, 218-220,  
 222, 226-231, 237, 240, 254,  
 255, 258-260, 263, 265, 266,  
 270, 271-274, 279, 282, 285-287,  
 289-292, 302-305, 312, 313, 315,  
 321, 324-327, 329, 335, 338,  
 339, 344, 345, 353, 355-360,  
 362, 363, 370-372, 375, 376,  
 387-398, 401-403, 405, 410-  
 412, 417, 420, 424, 425, 427,  
 436, 438, 439, 441, 444, 446,  
 449, 453, 454, 457, 460, 462,  
 470, 471.
- Ireland, 310, 312.  
 Ireson, Ierson, Edward, 31, 32, 383.  
 Irish, 326, 464.  
 Iron, *see* Metals, and Utensils.  
 Iron works, 41, 42, 256, 306, 351.  
 Isles of Shoales, 35, 120, 137, 212,  
 439.  
 Ivory, John, 471.
- Jack**, *see* Tools.  
 Jacket, *see* Clothing.  
 Jackman, Mary, 469.  
 Jackson, Mary, 176.  
 Nicholas, 387.  
 Susanna, 471.  
 William, 182, 411.  
 Jacob, Sergt., 165.  
 Richard, 21, 84, 97, 163, 164, 182,  
 438.  
 Jail, *see* Prisons.  
 Jailer, *see* Trades.  
 Jamaica, 88, 104, 290, 344.  
 Jamaica, Salisbury, 361.  
 James, Erasmus, 269, 292, 413, 438,  
 462.  
 Jane, 70, 292, 342, 413, 444.
- James, Thomas, 190, 338, 379.  
 Jaques, Jacush, Jachwish, Ann., 298.  
 Daniel, 385.  
 Henry, 44, 49, 63, 65-67, 70, 89,  
 131, 187, 188, 298, 299, 309,  
 321, 385, 413.  
 Jarvis, Andrew, 88.  
 Jefferd, Gefords, Jeffard, Jeffords,  
 Jefourds, —, 455.  
 John, 263.  
 Thomas, 43, 55, 333.  
 Jeffery, Jeferey, George, 293, 385,  
 471.  
 Sarah, 385.  
 Jeffrey's Creek, 221.  
 Jemson, John, 58, 213.  
 Jenckes, Jencke, Joseph, 336, 458.  
 Jewett, Jewet, Jewit, Juet, —,  
 14, 29, 38, 124, 159, 304.  
 Abraham, 119, 240, 300, 326, 387,  
 469.  
 Ann, 469.  
 Anna, 384.  
 Ezekiel, 384.  
 Jeremiah, 21, 236, 241.  
 Jereny, 187, 188.  
 John, 26, 122.  
 Joseph, 35, 37, 120, 187, 188, 203,  
 235, 259, 296, 299, 411.  
 Maximilian, 232, 240, 357, 406,  
 411, 469.  
 Nehemiah, 256, 257, 260, 261.  
 Patience, 94.  
 Thomas, 384.
- Jews, 246.  
 Jiners, —, 301.  
 Johnson, Capt., 105, 442.  
 Daniel, 380.  
 Elizabeth, 5, 467.  
 Francis, 11, 16, 70, 102, 103, 106-  
 108, 110, 157, 297, 369, 417.  
 Hannah, 226.  
 Isaac, 443.  
 James, 72.  
 John, 2, 6, 60, 64, 73, 84, 125, 226,  
 227, 274, 275, 277, 279, 294,  
 315, 384, 452, 467, 469.  
 Joseph, 276, 277.  
 Mary, 467.  
 Peter, 198.  
 Richard, 5, 26, 32, 203, 380, 381.  
 Samuel, 335, 381.  
 Stephen, 5, 309, 467.  
 Susanna, 467.  
 Thomas, 60, 148, 153, 255, 265,  
 266, 275, 309, 467.  
 Timothy, 227.  
 Johnson's creek, 36.  
 Johnson's pond, 36.  
 Jolife, —, 332.



- Jones, Joanes, Joans, Jolnes, Alexander, 344.  
 Benjamin, 447.  
 Grace, 334.  
 Isaac, 251.  
 Richard, 155.  
 Robert, 2, 60, 148, 199, 363.  
 Thomas, 113, 120, 172, 241, 327, 391, 455.
- Jordon, Jurdan, Francis, 67.  
 Stephen, 396.
- Josline, Henry, 379.
- Joss, Christopher, 439.
- Joy, Thomas, 306, 307.
- Judkins, Judkin, Judging, Thomas, 21, 40, 43, 44, 454.
- K**esar, Keasar, Keasur, Keiser, Kesar, Keysar, Eleazer, 283.  
 Elyah, 269.  
 George, 154, 158, 165, 205, 282, 283.  
 John, 269, 283.  
 Sarah, 283.
- Kedwell, Francis, 83.
- Keebe, Elisha, 471.
- Kegs, *see* Utensils.
- Kelly, Kely, John, 126, 128, 294, 354.  
 Mary, 385.  
 Richard, 294.
- Kendall, Thomas, 455.
- Keniston, Kenison, John, 59.  
 William, 59, 62.
- Kenrick, Kenerick, Kenricks, Kenarick, John, 66, 215, 216, 335, 361.
- Kent, —, 202.  
 Jane, 238.  
 John, 238, 254, 293, 294, 385, 439, 442, 443.  
 Rebecca, 467.  
 Richard, 75, 126, 127, 128, 129, 130, 185, 186, 228, 237, 238, 254, 448, 470.  
 Sara, 385.  
 Stephen, 1, 57, 161, 199, 202, 239, 247, 249, 250, 277, 359, 405, 423, 451, 454.
- Kersey, *see* Cloth.
- Kertland, Kartland, Nathaniel, 102, 297, 367, 422, 461.  
 Philip, 422.
- Kettle, John, 203.
- Kettle Island, 113.
- Kettles, *see* Utensils.
- Keys, *see* Furnishings.
- Kid, James, 148, 247, 450.
- Kilcup, —, 306.
- Killam, Killum, Killim, Kellam, —, 401, 405.
- Killam, Als, 468.  
 Austin, 449, 468.  
 Daniel, 355, 384, 468.  
 Debora, 468.  
 Dennis, 408.  
 Hannah, 468.  
 John, 118, 449.  
 Lot, 384, 468.  
 Ruth, 384.  
 Samuel, 118.  
 Sarah, 118.
- Killborn, George, 70.
- Kilson, Walsingham, 257.
- Kimball, Kemball, —, 278.  
 Benjamin, 166.  
 Caleb, 26, 150-153, 304, 314, 355.  
 Henry, 331, 432.  
 John, 24, 183, 228, 304, 313, 325, 326.  
 Mary, 183, 314, 356.  
 Rebecca, 468.  
 Richard, 4, 96, 97, 154, 182, 292, 386, 398, 450, 454, 468.  
 Thomas, 24, 27, 85, 86, 93, 183, 235, 278, 302, 304, 309, 317, 318, 325, 326, 330, 351, 391, 393.
- King, Kings, —, 115, 437.  
 Blaney, 93.  
 Daniel, 92, 93, 454.  
 Elizabeth, 93.  
 John, 275.  
 Mary, 26.  
 Miriam, 408.  
 Ralph, 93, 154, 263, 273, 290, 350, 425, 466.  
 Thomas, 3, 56, 99, 101, 102, 249, 250, 281, 319, 364, 408.
- Kingsbury, John, 469.
- Kinsman, Robert, 241, 346.
- Kitchin, Kichin, Kichine, Kitching, Kittching, —, 386.  
 John, 17, 19, 20, 95, 109, 215, 223, 258, 293, 341, 343, 379, 462, 466.  
 Mary, 20, 117, 224, 293.
- Kittery, 212.
- Kneeland, *see* Neland.
- Knight, Knights, —, 449.  
 Barshua, 131, 134.  
 Bathsheba, 70.  
 Eme, 264.  
 George, 180.  
 Hanna, 295.  
 Jacob, 441.  
 John, 55, 84, 134, 295, 299, 307, 309, 344, 346, 347, 354, 385, 387, 393, 420, 426.  
 Jonathan, 323.  
 Philip, 323.

- Knight, Richard, 70, 75, 385.  
     Robert, 257, 262, 263, 281, 306, 343.  
     Sara, 51.  
     William, 163.  
 Knives, *see* Tools, and Utensils.  
 Knowles, John, 364.  
 Knowlton, —, 244, 395, 449.  
     Abraham, 152.  
     John, 26.  
     Thomas, 66, 94, 131, 132, 314, 315, 356, 436, 448.
- L**abbatt, Lapitt, Lopit, Christopher  
     261, 262.  
 Lace, *see* Clothing.  
 Lacke, William, 464.  
 Lad, Daniel, 1, 56, 64, 123, 167, 184, 302.  
 Ladles, *see* Utensils.  
 Lake, —, 243, 244.  
     John, 434.  
     Thomas, 305-307.  
 Lamb, Joshua, 286, 300, 442.  
 Lambert, Abigail, 294, 453.  
     Gershom, 144, 145.  
     John, 22, 27, 67, 122, 144, 152, 294, 335, 353, 374, 383, 453, 464, 469.  
     Jonathan, 152, 269.  
     Sarah, 434, 460, 466.  
     Thomas, 145.  
     William, 235.  
 Lamprey, Lampry, Lampery, Henry  
     22, 199, 410, 451.  
     Juliana, 451.  
 Lamps, *see* Utensils.  
 Land titles, 345.  
 Lane, John, 435.  
     Mary, 360.  
 Langley, Langly, Longley, Longly,  
     Longlye, —, 24, 34, 38.  
     Abel, 384.  
     Anna, 33, 34.  
     Hanna, 79.  
     Joane, 79.  
     John, 25, 33, 34, 38, 46, 75, 112.  
     Lydia, 112.  
     Mary, 26, 32-34, 79, 95, 111-113.  
     Sarah, 384.  
     William, 26, 29-34, 38, 39, 79, 81, 112.  
 Langton, Lanckton, Lancton, Jane,  
     90.  
     Roger, 90, 151, 152, 315.  
 Lankister, Joseph, 365.  
 Lareum, Elizabeth, 228.  
 Largin, Henry, 331.  
 Lassell, Lassells, Edward, 324, 370.  
 Latches, *see* Furnishings.
- Latimore, Latemore, Latimor, Lat-  
 tamer, Lattimor, Lattymore,  
 Letemore, —, 103, 177, 261,  
 338, 431.  
     Christopher, 102, 103, 107, 108,  
     110, 223, 261, 262, 265, 295,  
     297, 373, 401.  
 Latten ware, *see* Utensils.  
 Laughton, —, 403.  
     Thomas, 38, 158, 162, 165, 181,  
     263, 367, 373, 380, 381, 470.  
 Laurence, Larence, Robert, 104, 211  
 Law, Lawe, Lawes, Laws, —,  
     159, 204.  
     Aquila, 469.  
     Francis, 83, 203, 224, 340, 342.  
     Mary, 362.  
     Priscilla, 362.  
     Rebecca, 362.  
     Thomas, 182.  
     William, 123, 130, 156, 187, 239,  
     354, 362, 384, 453, 469.  
 Lawrence, *see* Laurence.  
 Lay, Henry, 228.  
 Layton, Laiton, Laton, Lighten,  
     Lighton, —, 19, 346.  
     John, 135, 346, 412, 448.  
     Richard, 145.  
 Leach, John, 270, 335.  
     Richard, 82.  
     Robert, 113, 258, 259, 292, 387.  
 Lead, *see* Metals.  
 Leanto, *see* Buildings.  
 Leases, 207, 369, 393, 430.  
 Leather, *see* Manufactures.  
 Leathers, Edward, 45, 320.  
 Leaver, Thomas, 27, 28, 239, 299,  
     307, 389, 436.  
 Leavitt, *see* Levitt.  
 Lee, Lea, Leigh, —, 279, 313, 314.  
     Giles, 268.  
     Henry, 337.  
     John, 236, 247, 254, 255, 275,  
     278, 279, 305, 307, 309, 313,  
     321, 345, 358, 374, 410.  
     Joseph, 150, 254, 255, 275, 278,  
     279, 314, 321.  
 Leeds, Leads, Lead, Abigail, 141.  
     John, 152, 313, 314.  
 Leeds, Eng., 235.  
 Legat, Leggate, Legate, —, 281.  
     Ann, 148.  
     John, 148, 250.  
 Legg, —, 417.  
     Elizabeth, 16, 284, 334.  
     John, 11, 16, 283, 248, 297, 334,  
     368.  
     Samuel, 283, 296, 334, 344.  
 Lemon, Lemmon, —, 418.  
     Anna, 432.

- Lemon, Benjamin, 432.  
 Hannah, 432.  
 Martha, 432.  
 Mary, 432.  
 Robert, 74, 174, 344, 432.  
 Samuel, 288.  
 Sarah, 432.  
 William, 3.
- Lessenby, Leasenby, Lesenbe, Lesenby, Lezenby, Henry, 44, 45, 49, 50, 70, 90, 413.
- Leverett, Leveret, Maj. Gen., 440, 441.  
 John, 71, 441.
- Levitt, Samuel, 404.  
 Thomas, 145.
- Lewis, Lewes, John, 63, 102, 280, 345.  
 Philip, 405, 452.
- Licorice, 10.
- Lightfoote, Littfoot, William, 223, 257.
- Lilford, Thomas, 6, 120, 239, 407.
- Lime, *see* Manufactures.
- Linche, George, 364.
- Lincolne, Lincorne, Linkhorne, William, 327, 390, 391, 442.
- Line, Simon, 394.
- Linen, *see* Cloth and Clothing.
- Linen, *see* Furnishings.
- Linsford, Linford, Linforth, Francis, 109, 166.
- Liquor, *see* Drinks.
- Lisbon, 80, 397.
- Liscomb, Lesson, Lissen, Nicholas, 99, 105, 319.
- Litilton, John, 335.
- Little river, 57.
- Littlefield, Francis, 359.
- Littlehale, Mary, 166, 184.  
 Richard, 7, 39, 64, 84, 92, 108, 166, 184, 214.
- Locerman, Gover, 465.
- Locks, *see* Furnishings.
- Lodging, *see* Board.
- London, 45, 71, 92, 93, 311, 349, 394, 395.
- Long, Longe, Robert, 15, 426, 438.
- Long Cove, 391.
- Longhill, 36, 363.
- Longhorne, —, 329.  
 Mary, 302, 469.  
 Richard, 47, 135, 241, 294, 300, 308, 399, 437, 469.  
 Thomas, 469.
- Longley, *see* Langley.
- Looking glasses, *see* Furnishings.
- Looms, *see* Tools.
- Lord, —, 159, 243, 289, 320, 445.  
 Abigail, 118.
- Lord, Mary, 23, 36, 90, 385.  
 Robert, 10, 12, 16, 21-23, 25-33, 35-37, 39, 40, 46, 85-92, 96, 97, 111, 118, 119, 122, 125, 133, 139, 143, 152, 160, 162, 164, 166, 168, 169, 177, 181, 183, 184, 188, 189, 190, 212, 214-216, 218, 222, 229, 231, 232, 236, 237, 240, 241, 271, 272, 278, 282, 285, 286, 288, 290, 292, 302-303, 305, 313-315, 324-327, 329, 330, 335, 345, 351, 355, 356, 361, 362, 370-373, 376, 387-390, 395-397, 412, 420, 424-426, 436-438, 441, 446, 456-458, 470, 471.  
 Samuel, 150, 151.  
 Thomas, 66, 139, 140, 345.  
 William, 269.
- Lord's hill, 429.
- Lothrop, Lowthropp, Lowthroppe, Lowthrupp, Layterup, Capt., 224, 343, 463.  
 Bethiah, 224.  
 Thomas, 74, 78, 256, 371, 377.
- Lovejoy, John, 467.  
 Mary, 467.  
 Nathaniel, 467.
- Lovekin, Thomas, 151, 193.
- Lovell, Lovewell, John, 123.  
 Roger, 170.  
 Thomas, 96, 97, 122, 303, 313, 354, 392, 395.
- Lovering, Mary, 470.  
 William, 238.
- Lovett, Loufet, John, 382.  
 Mary, 224.  
 Thomas, 249.
- Low, John, 150, 467.  
 Thomas, 21, 436.
- Lowell, Lowle, Benjamin, 132, 197, 350, 385.  
 Elizabeth, 350, 384.  
 Percival, 132, 295.  
 Samuel, 127, 130, 186, 197.
- Luce, John, 18.
- Lumber, *see* Manufactures.
- Lummas, Lomas, Lomase, Lomasse, Loomes, Edward, 84, 229, 271, 302, 399.  
 John, 15.
- Lumpkins, —, 360.
- Lunt, Daniel, 293, 385, 449.  
 Elizabeth, 199.  
 Hannah, 293.  
 Samuel, 385.
- Lusher, Eleazer, 60, 62.
- Lyde, Edward, 146.
- Lying, *see* Crimes.
- Lynde, Simon, 394.

- Lyndon, Augustine, 370.
- Lynn, 8-11, 15, 18, 21, 24, 25, 30, 32, 33, 38, 41, 73, 74, 76, 81, 92, 93, 103, 106-109, 136, 158-162, 164, 218, 224, 226, 227, 241, 258, 263, 268, 269, 273, 282, 285, 290-292, 297, 298, 322, 335, 337, 345, 350, 373, 380, 381, 383, 403, 422, 423, 427, 435, 443, 444, 455, 456, 459-461, 470, 471.
- Lyon, Thomas, 19, 263.  
William, 103.
- M**aber, Richard, 217.
- Mackcallum, Mackcalum, John, 4, 123.
- Mackerel, *see* Fish.
- Mackerel cove, 352.
- Mackfashion, Rowland, 16.
- Macy, Thomas, 253.
- Magoon, Henry, 409.
- Malden, S, 273, 290, 291, 444, 455.
- Malt, *see* Food.
- Manchester, 76, 113, 336, 337, 352, 424, 433, 459, 461.
- Manegmoy, 328.
- Manning, Maning, —, 29, 240.  
John, 453.  
Nicholas, 117, 171, 366, 378, 471.  
Thomas, 255.
- Mansfield, Mansfeld, Mansfelld, Andrew, 24-26, 32, 74, 112, 256, 295, 297, 345, 381, 402, 413, 444, 455, 471.  
Bethiah, 112.  
Elizabeth, 403.  
John, 6, 26, 31, 102, 112, 282, 283, 351, 397, 401-403, 454.  
Joseph, 256, 282, 402, 403.  
Mary, 112.  
Paul, 12, 14, 15, 19.  
Robert, 402, 403.
- Manufactures.**  
Barrel staves, 323, 324, 424.  
Bricks, 286, 336, 377.  
Boards, 55, 59, 64, 92, 104, 168, 169, 170, 171, 248, 280, 284, 285, 305, 324, 332, 333, 336, 347, 369, 377, 383, 392, 393, 405, 455, 463.  
Bolts, 113, 121, 254, 323, 332.  
Borax, 10.  
Cedar shingles, 322.  
Clapboards, 192, 323, 377, 392.  
Flax, 9, 78, 115, 201, 351, 357, 361, 382, 434, 464.  
Heading, 2, 169, 170, 253.  
Hogshead staves, 280, 424.  
Leather, 81, 140, 257, 302, 313,
- Manufacturers.**  
Leather, — *Continued.* 316, 332, 336, 352, 357, 411, 449.  
Lime, 306.  
Lumber, 63, 78, 80, 83, 115, 174, 175, 176, 181, 286, 339, 351.  
Nails, 65, 104, 298, 305, 330, 332, 421, 463.  
Nails, board, 91, 397.  
Nails, hob, 91, 405.  
Nails, lath, 91.  
Planks, 59, 284, 285, 332, 335, 405.  
Posts, 95.  
Pipe staves, 2, 169, 170, 248, 364.  
Rails, 33, 95, 154, 269, 277, 278, 390, 435, 437, 438.  
Resin, 104.  
Shingles, 323, 377.  
Soap, 91, 104, 331.  
Soap, castile, 245.  
Spikes, 405.  
Staves, 2, 169, 170, 273, 319, 389, 424.  
Tar, 104, 330, 332.  
Timber, 37, 98, 147, 181, 216, 249, 284, 285, 323, 332, 404, 406, 409, 415.  
Whit leather, 361.  
Worsted, 78.  
Yarn, 61, 78, 81, 176, 181, 219, 314, 316, 357, 361, 381, 453.  
Yarn, cotton, 462, 464.  
Yarn, linen, 337, 379.  
Yarn, woolen, 337.
- Maps, see** Furnishings.
- Marble, Nicholas, 86.
- Marblehead, 11, 14, 15, 69, 76, 84, 102, 103, 106-111, 135, 155, 172, 177, 179, 180, 191, 209, 210, 218, 241, 257, 261-263, 269, 272, 275, 282-285, 295, 296, 297, 307, 321, 334, 337, 342-344, 350, 367-369, 373, 378, 387, 413-417, 419, 423, 427, 434, 435, 437, 443, 444, 454, 461, 462, 471.  
Marblehead neck, 222, 223.
- March, Marsh, George, 438.  
Hugh, 70, 75, 89, 90, 133, 299, 426.  
John, 83, 350.
- Marchant, —, 141.
- Marian, Marrian, John, 279, 408, 450.
- Mariner, *see* Trades.
- Mariott, Nicholas, 438.
- Market, clerk of the, 47, 109, 250, 407.
- Marsh, *see* March.

- Marshall, Marchell, Martial, Marshall, Capt., 18, 284, 285.  
 Edmund, 86, 87.  
 Edward, 455.  
 John, 74, 76, 86, 87, 92, 120.  
 Rebecca, 164.  
 Robert, 330.  
 Thomas, 7, 30, 38, 56, 80, 158, 162, 164, 165, 176, 265, 266, 282, 321, 325, 373, 422, 423, 441, 459.
- Marston, Mastone, —, 64, 100, 149.  
 Ephraim, 228.  
 Hannah, 467.  
 John, 19, 117, 182, 217, 224, 293, 324, 343, 369, 462, 466, 467.  
 Manassa, 383.  
 Martha, 467.  
 Thomas, 97, 99, 253, 279.  
 William, 20, 60, 117, 147, 198, 199, 223, 253, 280, 293, 381, 404-407.
- Martin, Martine, Martyn, Emanuel 103, 284.  
 George, 198, 406, 424.  
 Robert, 350.  
 Solomon, 327, 391.
- Maryland, 394, 464, 465.
- Mascall, John, 378.
- Mason, Masen, Elias, 14, 15, 208, 416.  
 John, 182, 202, 436.
- Massachusetts, 322.
- Massey, Marsy, Massie, Jeffrey, 14, 20, 81, 101, 162, 176, 181, 207, 219, 359, 360.  
 John, 219.  
 Sarah, 359, 360.
- Masters, Frances, 296.  
 John, 296.  
 Nathaniel, 463, 466.
- Masterson, Marsterson, Nathaniel, 57, 58.  
 Ruth, 113.
- Mathews, Mathees, Mathew, Daniel, 32, 33, 283.
- Maverick, Mavericke, Maverik, —, 102, 417, 438.  
 Moses, 47, 101, 103, 110, 135, 177, 218, 222, 223, 242, 270, 272, 282, 288, 290, 292, 297, 307, 309, 334, 342, 367, 368, 413-416, 418, 429, 437, 454, 462.
- Maxey, Alexander, 118.  
 David, 118.
- Maxfield, Maxfeild, John, 4, 63, 98, 406, 407, 409.
- Maxwell, John, 344.
- May, George, 164, 280.
- Meachum, Jeremiah, 338, 379.
- Mead, Thomas, 384.
- Meager, Meagus, Meger, Megus, John, 119, 120, 137, 138, 158, 186, 209, 328, 329, 350, 351.
- Meal, *see* Food.
- Meat, *see* Food.
- Medcalf, Metcalfe, Medcalfe, Metcalfe, —, 194.  
 Elizabeth, 325, 326, 436.  
 Joseph, 21, 163, 325, 326, 403, 436.  
 Mary, 326, 436.  
 Thomas, 325, 326, 403, 436.
- Medford, 10.
- Medecine, 1, 54, 66, 251, 297, 360.
- Meeting houses, *see* Religious Affairs.
- Mendon, 443.
- Mere, Joseph, 148.
- Merriam, Mirriam, William, 203, 226.
- Merrick, Merricke, Mirak, Mirecke, Mirick, Miricke, Mirrick, James 96, 133, 134, 196, 255, 295.  
 Margaret, 255.  
 Sarah, 134, 135.
- Merrill, Merrill, Abigail, 293.  
 Abraham, 126, 128, 293.  
 John, 126, 182, 430.  
 Nathaniel, 295.
- Merrimac, 35, 300, 357, 389, 392, 453.
- Merrimack river, 6, 118, 120, 123, 124, 166, 404, 426.
- Merritt, Merett, Merret, Merrett, Merrit, James, 297.  
 Mary, 429.  
 Nicholas, 108, 116, 155, 209, 210, 297, 374, 429.  
 Samuel, 297.
- Merry, Merrie, Joseph, 101, 145, 253, 451, 452.
- Metals.  
 Bell metal, 73.  
 Iron, 9, 115, 173, 331, 335.  
 Iron bar, 273, 330.  
 Lead, 78, 104, 405.
- Metcalf, *see* Medcalf.
- Michell, —, 212.  
 Mary, 363.
- Mighill, Mighell, John, 30, 187, 239, 240.  
 Samuel, 70, 150.  
 Thomas, 296.
- Milbore, Henry, 287.  
 Richard, 287.
- Miles, Joseph, 382.
- Military.  
 Officers of, 17, 100, 116, 139, 140, 143, 199, 241, 290, 336, 337,

## Military.

- Officers of,—*Continued.* 365, 375,  
427, 435, 439, 440, 441, 451-453.  
Soldiers, 140, 143, 336.  
Train band, 258, 375.  
Training, 3, 15, 80, 94, 111, 139,  
140, 142, 143, 171, 191, 199,  
216, 220, 241, 268, 275, 280,  
294, 309, 310, 318, 319, 336-  
338, 363, 365, 374, 397, 399,  
402, 407, 410, 431, 434, 447, 459.  
Troopers, 122.  
Watchings, 319, 364, 365, 434.  
Milk, John, 296.  
Milk, *see* Food.  
Mill brook, 249, 252.  
Miller, Thomas, 239.  
Millett, Millet, Millit, John, 281.  
Meare, 369.  
Nathaniel, 329.  
Thomas, 5, 6, 82, 109, 137, 185,  
186, 260, 262, 272, 337, 369,  
374, 431.  
Millington, John, 37, 138, 192.  
Mills, Mary, 101.  
Mills, *see* Buildings.  
Milton, Millton, Christopher, 335,  
346, 387-389, 397, 410, 470.  
Mingoe, —, 281.  
Ministers, *see* Religious Affairs.  
Misery, the, 80, 175.  
Mitchell, *see* Michell.  
Mitchelson, Micherson, Mitchellson  
Edward, 8, 322, 423, 437.  
Molasses, *see* Food.  
Money,  
English, 360.  
Gold, 359, 360, 372, 415, 416, 456.  
Silver, 7, 233, 263, 349.  
Mongey, Walter, 262.  
Monhegan, 14, 15.  
Montenicus, 261.  
Moody, Lady, 10.  
Caleb, 293, 294, 329, 346, 367,  
385, 388, 413.  
Samuel, 228, 295, 329, 339, 352.  
Sara, 294.  
William, 84.  
Moore, Moores, More, —, 295.  
Capt., 19.  
Edmond, 299.  
Jonas, 21.  
Matthew, 293.  
Richard, 154, 257, 432.  
Samuel, 324, 422.  
William, 145, 149, 191, 280, 293,  
Morgan, Morgaine, Morgin, Luke,  
180.  
Robert, 113, 224-226.  
Samuel, 261, 297.
- Morrill, Morrell, —, 63.  
Abram, 63.  
Isaac, 320, 409.  
John, 430.  
Morris, Moris, Morrice, —, 322.  
Elizabeth, 112, 283.  
Evan, 66, 386.  
Thomas, 112, 283.  
Morse, Morsse, Mose, Moss, An-  
drew, 269.  
Anthony, 13, 293, 321, 413, 468.  
Edmund, 392.  
Elizabeth, 468.  
John, 272.  
Joseph, 293.  
Peter, 126.  
Robert, 130, 255, 293.  
Sara, 293.  
William, 270, 436.  
Morse point, 346.  
Mortar, *see* Utensils.  
Moulton, Abigail, 288.  
Hannah, 289.  
Henry, 144, 198, 408, 410.  
James, 101, 118, 241, 351, 384,  
459, 468.  
John, 289, 409, 468.  
Joseph, 289.  
Marah, 118.  
Mary, 289.  
Miriam, 289.  
Robert, 77, 288, 289.  
Samuel, 288, 289.  
Mounford, Mounforth, —, 266.  
Edmond, 254.  
Mower, —, 460.  
Thomas, 105.  
Muddeford, Muddyford, Thomas,  
290, 344.  
Muddle, Mudle, Henry, 81, 82, 260.  
Muddy river, 123, 303, 304.  
Mudg, Muge, Gilbert, 212.  
Mudgett, Mudget, Thomas, 147,  
316, 409, 450.  
Mullins, —, 171.  
Murrow, James, 170.  
Muselwhitt, John, 67.  
Musical instruments.  
Drum, 292.  
Treble Viol, 231.  
Musket, *see* Weapons.  
Mussey, Musey, Mussye, Muzey,  
Muzzey, Muzzy, —, 159.  
Benjamin, 60, 106, 465.  
Joseph, 45, 65, 70, 133-135, 255,  
426, 438.  
Mutton, *see* Food.
- Nahant, 284, 285, 336.  
Nails, *see* Manufactures.

- Nanney, Nanny, —, 98.  
 Robert, 147.
- Nantucket, 88, 366.
- Napkins, *see* Furnishings.
- Nash, Peter, 2, 47, 62, 84, 90, 93,  
 107, 108, 123-125, 135, 199,  
 453.
- Neal, Neale, Neill, Nelle, Jeremiah,  
 341, 342.  
 John, 20, 73, 117, 248, 269, 281,  
 339, 341, 342, 377, 434, 454.  
 Jonathan, 5, 341, 342.  
 Joseph, 341, 342.  
 Lydia, 341.  
 Mary, 340-342.
- Ned a cockett (Indian), 299.
- Needham, Needom, Nedham, —,  
 117.  
 Anthony, 19, 116, 224, 290, 293,  
 343, 381, 418, 434.  
 Ezekiel, 32.
- Needles, *see* Tools.
- Neff, Neaf, Neafe, Neffe, Neph,  
 William, 50, 55, 66, 127, 186,  
 237, 246, 254, 274, 347, 348,  
 354.
- Negroes, 55, 99, 101.
- Negus, Jonathan, 42, 102, 105, 156,  
 157, 286, 304, 305, 322, 323, 348,  
 369, 370.
- Neland, Nealling, Edward, 27, 197,  
 325, 326, 395.
- Nelson, Nellsen, Nellson, —, 240,  
 363, 400.  
 Ann, 145, 426.  
 Hannah, 294.  
 Jonathan, 469.  
 Philip, 47, 120, 123, 124, 135,  
 186-189, 203, 241, 295, 298,  
 357, 384, 390, 392, 393, 425,  
 426, 438, 452.  
 Sarah, 295.  
 Thomas, 67, 145, 239, 294, 469.  
 William, 87, 97, 150, 190, 372,  
 457.
- Nevis, 88, 104, 265.
- Newagon, Cape., 75.
- Newbury, 4, 5, 13-15, 17, 21-23, 27,  
 44, 45, 49, 54, 56, 57, 59, 64, 65,  
 67, 75, 78, 79, 89, 90, 94, 96,  
 97, 106, 126, 128-131, 133-136,  
 139, 147, 151, 155, 157, 161,  
 172, 187, 188, 195, 216, 228,  
 237, 238, 246-248, 251, 254,  
 255, 293, 295, 298, 299, 329,  
 339, 346, 347, 350, 353, 354,  
 355, 361, 362, 367, 379, 385,  
 388, 390, 392, 398, 412, 413,  
 421, 426, 438, 439, 448-450, 468,  
 470, 472.
- Newbury, vital records of, 293-295,  
 385, 468.
- Newbury neck, 363.
- Newfoundland, 6, 286, 287, 300,  
 302.
- Newhall, Newall, Newell, —, 79.  
 Elizabeth, 34, 112.  
 John, 34, 38, 39, 112, 203, 283,  
 298, 427, 455, 456.  
 Joseph, 283.  
 Thomas, 6, 30, 31, 33, 34, 38, 39,  
 73, 117, 282, 297, 346, 348, 373.
- Newman, —, 388, 394.  
 Antipas, 208, 468.  
 Elizabeth, 468.  
 John, 55, 90, 91, 151, 272, 324,  
 325.  
 Robert, 414, 443.  
 Samuel, 384.  
 Thomas, 137, 313.  
 William, 152, 154.
- Newmarsh, Numarch, John, 299,  
 335, 436, 470.
- Nichols, Nicholls, Nickols, Nicolls,  
 —, 215, 331.  
 Hanna, 215, 258.  
 John, 258, 386.  
 Lydia, 258.  
 Richard, 119.  
 Samuel, 418.  
 Thomas, 248.  
 William, 21, 214, 215, 258, 261,  
 264, 386, 431.
- Nicholson, Nichelson, Nichollson,  
 Nicklson, Nicolson, —, 16,  
 367.  
 Edmond, 257, 367.  
 John, 297.
- Nick, William, 223, 283, 284, 343,  
 367.
- Nixon, Nexen, Elizabeth, 178.  
 Mathew, 14, 15, 178, 343.
- Nore, Thomas, 84.
- Norfolk, County of, 366, 405, 410.
- Norman, John, 76, 272, 387, 461.  
 Richard, 221, 368.  
 Martha, 461.  
 Richard, 369.  
 William, 101, 263, 265, 296.
- Norris, Norrice, Norrice, Dorothy,  
 443.  
 Edward, 205, 368, 443.  
 Nicholas, 280, 364.
- North field, 219, 341, 342, 379.
- North neck, 276.
- Northend, —, 393.  
 Ezekiel, 21, 29, 30, 36, 94, 123,  
 126, 144, 145, 190, 240, 259,  
 300, 307, 345, 353, 384, 389,  
 392, 411, 426, 453.

- Northy, Northey, John, 370, 437.  
 Norton, Norrtton, —, 159, 356.  
   Elizabeth, 71.  
   Freegrace, 108, 470.  
   George, 285, 286, 288.  
   John, 70, 72, 164, 466.  
   Joseph, 58.  
   Mary, 71, 72.  
   William, 70-72, 76, 271, 288, 372, 456.  
 Norwich, Eng., 385.  
 Norwood, Francis, 28.  
 Notary public, 322, 335, 385.  
 Nowell, Increase, 9, 10.  
 Noyes, Noic, Noyce, Noyse, —, 130, 329.  
   Hana, 53, 89.  
   Joseph, 67.  
   Mary, 53.  
   Nicholas, 126, 172, 293, 299, 347, 355.  
   Rebecca, 293.  
 Nudd, Thomas, 4, 450.  
 Nurse, Nurce, Francis, 339, 378.  
 Nurses, 137.
- Oakes, Oaks, —, 79.**  
   Genet, 461.  
   George, 459-461.
- Oakum, 332, 405.  
 Oatly, —, 9.  
 Oats, *see* Food.  
 Ober, Richard, 209, 226.  
 Oil, *see* Food.  
 Oil, 332, 349.  
 Oliver, Olivar, —, 331, 332, 451.  
   James, 394.  
   Peter, 6, 104, 301, 333.  
   Richard, 125, 279, 363, 365, 366, 404, 452.  
   Thomas, 116, 154, 268, 339, 385.
- Ong, Isaac, 32, 75, 95.  
 Orchard, 30, 34, 35, 70, 71, 82, 83, 133, 161, 173, 200, 232, 248, 269, 270, 276, 334, 340, 341, 357, 359, 362, 363, 379, 382, 390, 402, 403, 411, 422, 429, 433, 449, 451, 470.
- Ordinaries, *see* Public houses.  
 Ordway, Oardaway, Ordaway, Orde-  
 way, Abner, 80, 459, 462.  
   Hanania, 293.  
   James, 51, 293.
- Orme, Ormes, John, 80, 110.  
 Ormsby, Richard, 21.  
 Osborne, Ossborne, Henry, 95, 123.  
 Osgood, Hannah, 463.  
   John, 375, 463.  
   Mary, 275, 295, 467.  
   Sarah, 463, 467.
- Osgood, Stephen, 275, 295, 467.  
   William, 63, 145, 147, 149, 202, 247, 320, 404, 409.
- Osier, Abel, 226.  
 Otis, Richard, 3.  
 Oxen, *see* Animals (domestic).  
 Oxman, William, 106.
- Pafat, Francis, 148.**  
 Page, —, 101, 280.  
   Francis, 97, 279.  
   John, 148.  
   Onesiphorous, 408.  
   Robert, 56, 198, 252, 363.  
   Thomas, 170.
- Pails, *see* Utensils.  
 Paine, Payne, —, 154, 259.  
   John, 29, 57, 71, 76, 91, 97, 98, 108, 120, 165, 199, 240, 272, 273, 306, 345, 355, 394, 425, 466.  
   Robert, 96, 133, 135, 136, 231, 241, 259, 264, 313, 314, 394, 397.  
   William, 76, 99, 248, 259, 260.
- Palfery, Paulfry, —, 208.  
 Peter, 109, 207.
- Palmer, —, 64.  
   Christopher, 2, 3, 45, 58, 99, 147, 247, 248, 249, 279, 317-320, 364, 365, 404-406, 451.  
   Henry, 39, 84, 97, 124, 125, 166, 184, 198, 200, 201, 247, 316, 318, 405, 423.  
   John, 22, 136, 143, 144, 152, 239, 240, 254, 299, 307, 437.  
   Samuel, 254.
- Pangren, Moses, 193.  
 Paper, 65, 85, 92, 189, 197, 235, 306, 308, 345, 347, 355, 387, 437.
- Parker, —, 67.  
   John, 212.  
   Joseph, 300.  
   Mary, 295.  
   Nathan, 275, 295.  
   Richard, 443.  
   Robert, 295.  
   Thomas, 152, 455.
- Parks, James, 295.  
 Parmiter, Palmiter, —, 223.  
   Benjamin, 75, 162, 263, 338, 369, 427, 461.
- Parnell, Mary, 414, 420, 443.  
 Parris, George, 99.  
 Parsons, Jeffery, 43, 92, 260.  
 Partridge, Partridg, John, 397.  
   Rachel, 425.  
   Sarah, 62.  
   William, 62.



- Paskce, Hugh, 387.  
 Patch, Pache, John, 78, 101.  
   Nicholas, 281.  
   Sarah, 384.  
   Thomas, 355, 384.  
 Patteshall, Pateshall, Richard, 249.  
   Robert, 284.  
 Patrick, Capt., 259, 260.  
 Pattey, Robert, 262.  
 Patton, Andrew, 170.  
 Paul, Palle, Payle, John, 253, 290.  
 Peach, Pech, Alice, 111.  
   John, 16, 74, 203, 257, 267, 307,  
   309, 321, 334, 367, 368, 373,  
   413-419, 423, 437, 454.  
 Peak harbor, 301.  
 Pearson, Peersson, Person, Per-  
   sons, Jeffery, 374.  
   John, 6, 43, 102, 119, 345, 380,  
   384, 436.  
   Sarah, 384.  
 Peas, *see* Food.  
 Pease, John, 117.  
 Peasley, Peasley, —, 167, 202.  
   Joseph, 62, 146, 148, 202.  
   Sarah, 146, 148.  
   Mary, 146.  
   William, 62.  
 Pebody, Pabody, Paybody, —,  
   197.  
   Francis, 138, 182, 235.  
   Hannah, 386.  
   John, 386.  
 Peck. — 331.  
 Pecker, Peckar, —, 123.  
   James, 123, 125, 184, 198, 247,  
   253, 316, 397, 407, 422, 450,  
   451.  
 Pedrick, Pederick, Pedericke, John,  
   108, 156, 157, 221.  
 Peirec, Pearce, Pears, Pearse, Perce,  
   Perse, Pierce, —, 63.  
   Capt., 457.  
   Abigail, 355.  
   Ann, 385.  
   Daniel, 130, 132, 146, 347, 383.  
   Elizabeth, 438.  
   John, 93, 96, 170, 172, 258, 260,  
   327, 391, 392, 438.  
   Joshua, 132.  
   Robert, 35, 355, 387, 412, 448,  
   449, 470.  
   Stephen, 346.  
 Pelham, Herbert, 9.  
 Pell, John, 104.  
 Pelts, *see* Skins.  
 Pemberton, Pemerton, John, 228  
   266.  
 Pemplinton, Capt., 2.  
 Pen, —, 72.  
 Pendleton, Capt., 64, 171, 249.  
   Brian, 57, 98, 99, 146, 199, 249,  
   253, 280, 364, 397, 407.  
   James, 364, 397, 407, 451.  
 Pengry, Pengre, Pengrye, —, 68,  
   305.  
   Aaron, 95, 119, 122, 228.  
   Moses, 47, 135, 231, 242, 305,  
   309, 402.  
 Pequit lots, 96.  
 Perkins, Perken, Perkins, Pirkins,  
   —, 138, 255, 289-291, 313,  
   449, 471.  
   Abraham, 3, 56, 68, 97, 98, 101,  
   135, 149, 247, 249, 297, 387-  
   389, 408, 450.  
   Elizabeth, 194.  
   Isaac, 1, 404.  
   Jacob, 139, 228, 326, 436.  
   John, 87, 91, 270, 326, 346, 355,  
   386, 436.  
   Thomas, 137, 336, 344, 387.  
   William, 120, 273, 290, 309, 310,  
   386, 394, 445, 453.  
 Perley, Pearle, Pearly, —, 12,  
   400.  
   Allen, 12, 13, 182, 191, 255.  
   John, 80, 199, 255, 326, 353, 403.  
   Nathaniel, 13, 255, 326.  
   Martha, 255.  
   Samuel, 13, 197, 198, 255.  
   Sara, 255.  
   Susan, 255.  
   Thomas, 13, 255.  
   Timothy, 255.  
 Perry, Perye, Thomas, 13, 14.  
 Peter, —, 378.  
 Peter (Indian), 297.  
 Peters, Peeter, Andrew, 66, 68, 135,  
   242, 394, 397, 470.  
 Peter's Islands, 301.  
 Petticoats, *see* Clothing.  
 Pettingell, *see* Pittingell.  
 Pety, Robert, 157.  
 Pewter, *see* Utensils.  
 Phelps, Phelpes, Philips, Christo-  
   pher, 466.  
   Edward, 126.  
   Hannah, 116.  
   Henry, 77, 377.  
   John, 377.  
   Nicholas, 20.  
   Thomas, 105.  
 Philbrick, Filbrick, James, 452.  
   Thomas, 4, 280, 316, 425, 450,  
   452.  
 Phillips, Philips, Phillops, Charles,  
   83.  
   Elizabeth, 294, 295.  
   Henry, 322.

- Phillips, Mary, 469.  
 Samuel, 294, 426, 469.  
 William, 108, 170, 394.
- Phippen, Phippine, Joseph, 413, 439.
- Phyepes, Solomon, 288.
- Physician, *see* Trades.
- Pickard, Pickat, Pickerd, —, 135.  
 John, 28-30, 36, 84, 120, 123, 124, 126, 233, 240, 254, 259, 296, 299, 307, 330, 345, 389, 390, 411.
- Pickaxe, *see* Tools.
- Pickering, Pickeringe, John, 161, 167, 176, 182, 203-207, 216, 217, 220, 226, 227, 237, 341, 377, 440.  
 Jonathan, 207, 341, 382, 386, 387.
- Pickman, —, 226.  
 Nathaniel, 210, 220, 276, 292.  
 Samuel, 74.
- Pickton, Thomas, 7, 174, 182, 427, 428.
- Pictures, *see* Furnishings.
- Pickworth, Abigail, 113.  
 Ann, 113.  
 Benjamin, 113.  
 John, 113, 298, 421.  
 Joseph, 113.  
 Samuel, 113, 298.
- Pies, *see* Food.
- Pigden, Thomas, 436.
- Piggin, *see* Utensils.
- Pigs, *see* Animals (domestic).
- Pike, —, 250.  
 Capt., 147, 148, 320, 407, 451.  
 Lt., 126, 127.  
 John, 126, 128, 130, 157, 222, 238, 275, 304, 389, 390, 438, 448.  
 Joseph, 123.  
 Robert, 60, 62, 64, 149, 199, 253, 319, 407, 410, 424-426.  
 Sarah, 180.
- Piles, Capt., 171.
- Pillion, *see* Horse Equipment.
- Pillows, *see* Furnishings.
- Pilsbury, —, 127.
- Pinder, Pindar, John, 95, 153, 453.
- Pinson, Pinchson, Pinshin, —, 444, 445.
- Pinnion, —, 83.
- Pinny, Thomas, 241.
- Pins, *see* Tools.
- Piper, Nathaniel, 244, 303.
- Piscataqua, 2, 331, 347, 408.
- Piscataqua river, 3, 92, 169-171, 397.
- Pistol, *see* Weapons.
- Pitch, 332.
- Pitford, Petford, Pickford, Pittford, Peter, 283, 284, 367, 413.
- Pitford, Robert, 170.
- Pitman, Pittman, —, 290.  
 Mark, 223, 369.  
 Nathaniel, 156, 439.  
 Samuel, 439.  
 Thomas, 223, 297, 367, 435.  
 William, 269.
- Pitt, William, 69, 103, 217, 223, 267, 297, 437.
- Pittingall, Richard, 270.
- Plates, *see* Utensils.
- Platts, Plats, Elizabeth, 145.  
 Jonathan, 29, 122, 123, 197, 240.  
 Samuel, 239, 299, 321, 354, 356, 436.
- Ploughs, *see* Tools.
- Plum Island, 127, 186-188, 238, 299, 358, 449.
- Plummer, Plumer, Anne, 294.  
 Francis, 185, 237, 293, 294.  
 John, 238  
 Joseph, 294, 361.  
 Nathaniel, 294.  
 Samuel, 22, 119, 186, 198, 344, 387.
- Plums, *see* Food.
- Poat, Poet, William, 321, 350.
- Pollock, *see* Fish.
- Ponds, 13, 23, 29, 36, 85, 87, 301, 322, 327, 340, 422, 428.
- Poole, Pooll, Jonathan, 12, 367.
- Poore, Pore, Daniel, 295, 390, 467.  
 John, 22, 23, 182, 270, 293, 390.  
 Joseph, 77.  
 Mary, 295, 467.  
 Priscilla, 467.  
 Ruth, 295.  
 Samuel, 449.  
 Thomas, 76, 118.
- Pope, —, 460.  
 Benjamin, 435.  
 Damoris, 19, 116.  
 Enos, 435.  
 Gertrude, 434, 435.  
 Hannah, 435.  
 Joseph, 19, 20, 116, 293, 343, 381, 434, 435.  
 Thomas, 290.  
 Samuel, 435.
- Pope, the, 183.
- Pork, *see* Food.
- Porringers, *see* Utensils.
- Port Royal, 344.
- Porter, Pourter, —, 291, 386.  
 Sergt., 241.  
 John, 56, 76, 82, 83, 111, 117, 154, 167, 168, 174, 227, 286, 367, 369, 416, 462, 463, 466, 467.  
 Joseph, 167.
- Portsmouth, 2, 1, 60, 62, 199, 253, 397, 452.

- Portugal, 73, 80.  
 Post, —, 470.  
 Pot hooks, *see* Utensils.  
 Pots, *see* Utensils.  
 Potter, —, 432.  
   Anthony, 271, 387.  
   Nicholas, 463.  
   Robert, 38, 74, 282, 283, 297, 345, 384-385.  
 Poultry, *see* Food, and Fowls.  
 Pound, 127, 151, 221, 274, 343, 352, 366.  
 Powder, *see* Weapons.  
 Powdrill, Thomas, 170.  
 Powland, Poulan, Powlan, John, 386.  
   Thomas, 384, 385.  
 Preist, Prest, Prist, James, 191, 298. John, 107.  
 Presbyterians, 310.  
 Preston, Presson, Roger, 108, 285, 286, 309, 324, 325, 338, 376, 402.  
   Samuel, 325.  
   Thomas, 324, 325.  
 Price, Prise, —, 56, 83, 109, 217, 225, 259.  
   Capt., 203, 206, 288, 378, 440, 441.  
   Mathew, 191, 220, 222, 263, 333, 421.  
   Walter, 8, 18, 101, 110, 169, 170, 173, 177, 179, 203, 204, 207, 216, 237, 261, 262, 273, 294, 299, 329, 347, 377, 417, 440, 441, 463.  
 Pride, John, 105.  
 Priest, *see* Preist.  
 Prime, Mark, 21, 43,  
 Prince, Prence, —, 137.  
   John, 206.  
   Margaret, 328, 329.  
   Richard, 154, 180.  
   Thomas, 143, 185, 186, 328, 329.  
 Printed matter.  
   Bill of lading, 324.  
 Prior, Richard, 338.  
 Prison, 27, 28, 40, 54, 74, 84, 96, 111, 117, 120, 121, 135, 136, 140, 141, 143, 153, 213, 214, 222, 227, 254, 263, 266, 270, 333, 352, 353, 366, 460.  
 Prison, *see also* House of Correction, Bridewell.  
 Pritchett, Prichard, Pritchett, —, 159.  
   John, 85, 330.  
   William, 23, 24, 74, 85, 86, 139, 143, 182, 222, 329, 330, 383, 386.  
 Procter, Prockter, —, 235.  
   John, 84, 235, 377, 397.  
   Martha, 235.  
   Sarah, 235.  
 Protector, the, 310.  
 Provisions, *see* Food.  
 Public houses, 19.  
   Houses of public entertainment, 373, 374, 377.  
 Ordinaries, 3, 15, 18, 45, 47, 55, 60, 66, 70, 82, 94, 97, 101, 117, 127, 128, 135, 150, 154, 166, 177, 179, 195, 196, 202, 203, 220, 226, 241, 242, 247, 250, 251, 254, 268, 279, 281, 291, 296, 309, 319, 320, 321, 344, 353, 355, 366, 373, 374, 398, 402, 407, 409, 410, 435, 451, 452, 453, 459, 462.  
   Ordinary, penny, 291.  
   Tippling house, 110.  
 Pudding, *see* Food.  
 Pudne, John, 176.  
 Punell, *see also* Funell.  
 Punell, Robert, 140, 235, 304, 313, 314, 326.  
 Punishments.  
   Bound to good behavior, 5, 48, 65, 138, 139, 142, 148, 152, 192, 197, 218, 244, 278, 281, 309, 320, 353, 399, 400, 412, 438, 448, 451.  
   Bound to keep the peace, 242.  
   Branded with a letter on forehead, 254.  
   Cage, 378.  
   Cashiered, 139.  
   Corporal, 80, 278.  
   Disfranchisement, 139, 309, 431.  
   Imprisonment, 54, 139, 143, 144, 152, 197, 198, 245, 254, 278, 376, 399, 400, 412, 431, 448, 453, 462.  
   Public acknowledgment, 24, 29, 120, 279, 282, 400, 412, 443.  
   Rack, 378.  
   Sold to an English plantation for fines, 376.  
   Standing at the court door, 65.  
   Standing at the meeting house door, 65.  
 Stocks, 111, 150, 182, 192, 221, 269, 291, 313, 399, 400, 412, 427.  
 Tied to cart's tail, 17.  
 Whipping, 17, 47, 54, 61, 64, 95, 100, 110, 137, 138, 143, 152, 153, 177, 192, 198, 199, 242, 244, 254, 263, 264, 269, 274, 278, 296, 309, 314, 320, 321,

- Punishments.  
Whipping,—*Continued.* 343, 351, 376-378, 398, 399, 400, 402, 409, 422, 433, 435, 460, 461.
- Purchase, Purchas, Purchis, —, 9, 256, 306.  
John, 455, 456.  
Oliver, 7, 16, 30, 38, 56, 108, 218, 256, 257, 260, 263, 268, 285, 337, 351, 373, 427, 471.
- Putnam, Putman, Puttnam, —, 160.  
John, 101, 181, 256, 259, 290, 386.  
Nathaniel, 85, 109, 203, 270, 271, 281, 290, 322, 323, 386, 440, 441.  
Thomas, 6, 174, 181, 182, 286, 321, 330, 338, 344, 386.
- Quakers, 66, 67, 68, 96, 149, 266 412.
- Quarles, Qorles, —, 399.  
William, 244, 321, 412, 446.
- Quechesha, 2.
- Quilter, Mark, 140, 141, 152, 192, 310.  
Mary, 231, 315.
- Quinopeg, 442.
- Quomscot, 248, 317.
- Rack**, 378.
- Raisins, *see* Food.
- Rakes, *see* Tools.
- Ratcliff, Alice, 164.  
John, 164.
- Ramsdell, Aquilla, 422.  
John, 6, 73, 282, 321, 402, 422.
- Ramsden, John, 117.
- Rand, Robert, 203, 367.
- Randall, Randell, Randol, —, 64, 329.  
John, 462.  
Sarah, 415, 462.  
Thomas, 462.  
William, 329.
- Rape, *see* Crimes.
- Rapp, 110.
- Rawson, Edward, 9, 10, 33, 72, 105, 110, 111, 240, 245, 306, 337, 420, 421, 437.
- Ray, Rayes, Rea, Joshua, 203, 226, 366, 371, 386, 459, 470.
- Rayment, Raimant, Rament, John, 6, 120, 203, 223, 366, 386, 429, 454.
- Rayner, —, 411.  
Elizabeth, 338.  
William, 274, 338, 342, 393.
- Raynford, Rasfford, Ramsford, Raynford, Edward, 288.
- Reade, Reed, Reid, Alexander, 155.  
Edward, 369.  
John, 170.  
Mary, 433.  
Richard, 334.  
Robert, 150, 452.  
Sarah, 366.  
Thomas, 76, 170, 341, 433.
- Reading, 207, 289, 437, 455.
- Records, 87, 105, 119, 124-126, 128, 166, 169, 271, 439.  
Town, 59, 103, 129, 146, 204-206, 296, 391, 472.  
Vital, 117, 118, 293-295, 383-386, 467-469.
- Red Root hill, 228.
- Reding, —, 43.  
Joseph, 139, 143.
- Redington, Abraham, 91, 336.  
Elizabeth, 65.  
John, 117, 125, 137, 182, 235, 336, 354, 386, 436.
- Redknap, Joseph, 117.
- Redman, Radman, John, 1, 3, 4, 44, 45, 56, 149, 198, 247, 364, 397, 408, 452, 453.
- Reedy marsh, 76.
- Reedy meadow, 381.
- Reeves, Reecs, Reives, Revcs, —, 118, 206, 256, 432.
- Religious Affairs.  
Absence from meeting, 18-20, 60, 96, 100, 109, 116, 117, 182, 222, 269, 292, 293, 343, 381, 434, 462.  
Abusing the ministry, 461.  
Bibles, *see* Books.  
Bishops, 312.  
Breaking the ninth commandment, 24, 31.  
Christmas, 330.  
Common prayer book, *see* Books.  
Denying the country's power to force attendance at worship, 111.  
Driving cattle on Sabbath day, 291, 320.  
Entertaining Quakers, 66-68.  
Going naked into the meeting-house, 64, 68.  
Meeting houses, 24, 25, 30, 64, 65, 68, 118, 137, 143, 154, 208, 279, 313, 324, 376, 400, 412, 423, 427, 443, 457, 458.  
Ministers, 29, 109, 148, 206, 229, 230, 231, 260, 269, 273, 290, 310-313, 445, 462.  
Ministry, 72.  
Psalm books, *see* Books.

- Religious books, *see* Books.  
 Reviling the ordinance of baptism, 148.  
 Sermon books, *see* Books.  
 Sunday, 19, 60, 68, 70, 96, 99, 100, 116, 119, 152, 223, 245, 263, 269, 274, 291, 292, 312, 320, 321, 393, 403, 410, 422, 423, 434, 461, 462.  
 Working on Lord's day, 269, 296.  
 Remess, Frederick, 93.  
 Remington, Ramenton, Remengton, Remintun, Renetan, Remington, —, 421.  
 Abigail, 277, 405.  
 John, 90, 120, 121, 183, 236, 241, 258, 277, 345, 405, 472.  
 Mary, 384.  
 Thomas, 384.  
 Renolds, Reniolds, Renold, Henry, 386, 435, 460, 466.  
 Renwes harbor, 301, 302.  
 Resin, *see* Manufactures.  
 Rest, —, 255.  
 Rhode Island, 368.  
 Rhodes, Rhoads, Rhods, Roades, Rods, Eleazer, 112, 256.  
 Henry, 5, 73, 112, 114, 117, 256, 281, 297, 402, 403, 454, 471.  
 John, 7, 470.  
 Joshua, 256.  
 Samuel, 112.  
 Ribbon, *see* Cloth.  
 Rich, Obadiah, 218, 344.  
 Richards, Edmund, 443.  
 Edward, 11, 75, 81, 104, 106, 107, 158-160, 273, 292, 330, 374.  
 Richard, 269.  
 Richardson, Ed., 182.  
 Edward, 188, 273.  
 Richard, 292.  
 Riddan, Thaddeus, 38, 79, 165, 263.  
 Ridg, John, 155, 385.  
 Ridgwaye, Rugeway, John, 7.  
 Jonathan, 170.  
 Riggs, Thomas, 309, 326, 327, 328, 347, 374, 391, 431, 442.  
 Rilie, Henry, 122.  
 Ring, John, 278.  
 Mary, 400.  
 Robert, 56, 59, 146, 147, 149, 202, 248, 319.  
 Rings, *see* Clothing.  
 Ripton, Ribton, John, 264-266.  
 Rishworth, Ed., 146.  
 Rix, Thomas, 203, 224, 226, 269, 293, 298, 414, 421, 439, 447, 458.  
 Roads, *see* Highways.  
 Roase, Thomas, 270.  
 Robbins, Robenes, Robins, Thomas, 83, 217, 281, 340, 343, 386.  
 Roberts, Roberds, —, 365.  
 John, 94, 345, 412.  
 Patience, 469.  
 Robert, 94, 96.  
 Samuel, 412, 447.  
 Susan, 94, 345.  
 Timothy, 296, 297.  
 Robert's Island, 88.  
 Robie, Robey, Roby, —, 365.  
 Henry, 144, 148, 149, 202, 247, 249, 280, 281, 316, 318, 320, 404-406.  
 Mary, 246.  
 Samuel, 249.  
 Robinson, Robison, Abraham, 447.  
 Daniel, 468.  
 John, 56, 126, 144, 198, 280, 319, 371, 404.  
 Mary, 388, 470.  
 Robert, 468.  
 Samuel, 343.  
 Rocky hill, 409.  
 Rogers, Rodgers, —, 144, 145.  
 Ezekiel, 96, 97, 229-235, 263, 275, 313, 373, 436, 456.  
 John, 163, 165, 230, 231, 307.  
 Joseph, 283.  
 Margaret, 231, 234, 326.  
 Mary, 229, 233, 234, 263, 275, 360.  
 Nathaniel, 229-231, 233, 234.  
 Robert, 5, 70, 135, 186-188, 299.  
 Samuel, 21, 230, 255, 305, 400.  
 Susanna, 135, 186-188, 255, 293, 299.  
 Timothy, 230.  
 William, 331, 333.  
 Rolfe, Roaf, Roafe, Rofe, Roff, Roffe, Rolf, —, 51, 53, 54, 70, 134.  
 Benjamin, 238, 329, 354.  
 Hannah, 337, 356.  
 John, 47, 50, 54, 65, 66, 67, 75, 88-90, 97.  
 Marie, 97.  
 Mary, 45, 47, 49, 51, 54, 55, 65, 66, 70, 75, 89, 90, 98.  
 Rooten, Edmund, 114.  
 Richard, 114.  
 Roots, Rootes, Joseph, 386.  
 Josiah, 281, 382.  
 Thomas, 5, 14, 20, 73, 79, 81, 117, 174, 181, 203, 224, 291, 293, 431, 432.  
 Roper, Elizabeth, 141.  
 Sarah, 244-246.  
 Walter, 5, 17, 21, 84, 139, 153, 249, 345.

- Ropes, Roapes, Roppes, George,  
102, 208, 264, 292, 296, 421.  
John, 377.  
Ropes, *see* Tools.  
Rosewell, William, 92.  
Ross, Killicies, 399.  
Rowden, John, 82.  
Rowe, Roe, Row, Anthony, 330,  
331.  
Hugh, 328, 350.  
Rowell, Rouell, Rowel, —, 159,  
394.  
Joane, 1.  
Valentine, 1, 3.  
Rowland, Rouling, Roulland, An-  
drew, 157, 158.  
Joseph, 69, 70, 419.  
Mary, 69, 367, 415-419, 454.  
Richard, 11, 12, 16, 68, 103, 367,  
368, 413-419, 423, 437, 454,  
466, 467.  
Samuel, 69, 417, 418, 419.  
Rowley, 2, 7, 17, 22, 28, 30, 34-  
37, 62, 80, 106, 122-126, 144,  
145, 166, 183, 187, 188, 190,  
191, 215, 229-236, 238, 239,  
240, 254, 258, 259, 263, 294-  
296, 299-300, 307, 329, 330,  
353, 357, 360, 383, 384, 389,  
390, 392, 393, 397, 404, 425,  
426, 438, 453, 469.  
Rowley, vital records of, 294, 295,  
383, 384, 469.  
Rowley Village, 28, 259, 296.  
Rowly, David, 332.  
Roxbury, 286, 287, 300, 385, 442,  
443.  
Ruck, Rucke, —, 217, 263, 334,  
460, 466.  
Hannah, 204.  
John, 72, 74, 83, 94, 106, 179, 204-  
207, 219, 324, 337, 369, 370,  
383, 431, 467.  
Samuel, 204.  
Thomas, 204, 205, 206.  
Rugs, *see* Furnishings.  
Rum, *see* Drinks.  
Rumball, Rumbald, —, 420, 432.  
Daniel, 105, 460.  
Rumney Marsh, 18, 19, 60, 84, 159,  
268, 282, 285, 345, 380, 444.  
Ruse, Russe, Deborah, 467.  
John, 227, 467.  
Mary, 467.  
Russell, —, 15, 63.  
Henry, 45, 102, 125, 262, 282,  
286-288, 300-302, 320.  
James, 467.  
Mary, 467.  
Richard, 72, 282, 405.  
Russell, Robert, 227, 467.  
Roger, 282.  
Susanna, 455.  
Rye, *see* Food.  
**Sack**, *see* Drinks.  
Saddles, *see* Horse equipment.  
Sade, John, 333.  
Sadler, Abiel, 362.  
Safford, Saffourd, Safourd, Saffurd,  
Abigail, 401.  
Elizabeth, 401.  
John, 448, 467.  
Joseph, 401, 448.  
Mary, 401.  
Thomas, 401.  
Sagamore, the, 287, 301.  
Sagamore hill, 10, 11, 107, 114.  
Sagamore's grave, 400.  
St. Andrew's, Eng., 311.  
St. Lawrence, 6.  
Salado, John, 66.  
Salem, 4-7, 9, 11-14, 18, 20, 21, 35,  
39-41, 43, 46, 47, 55, 56, 65, 68,  
72, 75, 78-84, 95, 96, 103-105,  
108-110, 116-118, 135, 136,  
138, 155, 156, 158, 161, 167,  
173, 175-179, 181, 183-185, 191,  
203, 204, 206-208, 210, 211,  
215-219, 220, 225-227, 239, 241,  
256-258, 260, 261, 263-270, 273,  
276, 282, 286-288, 290, 291, 292,  
294, 296, 309, 313, 321-324,  
328, 330-332, 334, 335, 337, 338,  
340-344, 347, 349, 351-353, 359,  
367, 369, 375, 376, 378, 379,  
381-383, 387, 388, 391, 400-  
402, 413-415, 420, 421, 424,  
427, 429, 433-435, 439, 440-  
444, 446-448, 454, 455, 457-  
460, 463-467, 469.  
Salem farms, 351.  
Salem neck, 383.  
Salisbury, 1, 2, 4, 6, 7, 21, 39, 59,  
60, 62, 64, 98, 100, 101, 131,  
144, 146, 147-150, 191, 195,  
199, 200, 202, 236, 237, 247-  
251, 253, 280, 281, 315, 317-  
319, 365, 366, 404, 407, 408,  
410, 423-425, 449-452.  
Salisbury newtown, 361.  
Salisbury plain, 454.  
Sallowes, Salloes, Sallos, Sollas,  
Abigail, 79.  
Freeborn, 78.  
Grace, 79, 174.  
Hanna, 78.  
Mary, 78, 79, 174, 432.  
Robert, 78, 79, 174, 432.  
Sarah, 78.

- Sallowes, Thomas, 79, 174, 432.  
 Salmon, Samon, Daniel, 11, 108, 159, 273.  
   George, 221, 434.  
   Margey, 273.  
 Salt, *see* Food.  
 Salt marsh, 18, 19, 59, 86, 115, 240, 248, 252, 258, 275, 276, 299, 308, 336, 357, 359, 361, 363, 379, 380, 403, 433, 434, 445, 467.  
 Salter, Henry, 404, 405, 423.  
 Saltonstall, Saltingstone, —, 388, 399, 401.  
   Nathaniel, 5, 12, 65, 234, 272.  
   Richard, 5, 9, 12, 235.  
 Samborne, Ens., 451.  
   John, 56, 99, 144, 149, 199, 200, 247, 248, 249, 280, 318, 320, 365, 406, 409, 452.  
   Mary, 252.  
   William, 144, 198, 404.  
 Samp, *see* Food.  
 Sampson, Samson, —, 223.  
   John, 170.  
 Sanden, Sande, Sandy, Arthur, 15, 109, 223, 226, 283, 294, 374, 429.  
   John, 283.  
   Margaret, 374, 429.  
 Sanders, Saunders, James, 247, 255, 278, 279, 313, 314, 321.  
   John, 255, 318, 470.  
 Sands, —, 437.  
 Sandy bridge, 240.  
 Sandy point, 317.  
 Sanword, William, 21.  
 Sargent, Sargant, Sergeant, Thomas, 251.  
   William, 42, 43, 137, 185, 186, 262, 264, 267, 328, 374, 391, 431, 438.  
 Satchwell's Island, 120.  
 Saucers, *see* Utensils.  
 Savage, Savadg, Savedge, Savig, Savige, Capt., 16, 330-333, 352.  
   Thomas, 42, 43, 45, 75, 104, 105, 210, 211, 222, 256, 260-263, 265, 296, 330, 331, 333, 338, 344, 383, 421.  
 Savery, Savory, Robert, 392, 393, 425, 426.  
 Saws, *see* Tools.  
 Sawyer, Sawers, Sayer, Henry, 253.  
   Samuel, 238.  
   William, 449.  
 Saywell, David, 296.  
 Scales, John, 345.  
 Scammon, Humphrey, 450.  
 Scarf, *see* Clothing.  
 Schoolmaster, *see* Trades.  
 Schools, 163, 165, 166.  
 Scissors, *see* Tools.  
 Scotch, 232, 265, 291, 383, 413.  
 Scotland, 265, 310, 312.  
 Scott, Scot, —, 332, 465.  
   Capt., 220.  
   Benjamin, 275.  
   Mary, 97.  
   Sarah, 96.  
   Thomas, 96, 97, 163.  
 Scott's hill, 271.  
 Scudder, Elizabeth, 379.  
   Thomas, 289.  
   Sarah, 54.  
 Scythes, *see* Tools.  
 Seabrook, *see* Sebrooke.  
 Sea coals, 284.  
 Seals, 23, 29, 41, 83, 89, 96, 106, 114, 133, 145, 147, 157, 187, 188, 206, 207, 239, 287, 300, 322, 330, 334, 342, 350, 394, 397, 405, 416, 437, 443, 464.  
 Seaman, *see* Trades.  
 Searchfield, Rowland, 45.  
 Searle, Searl, Grace, 189, 449.  
   Mary, 460.  
   William, 448, 449.  
 Seavey, *see* Sevy.  
 Sebrooke, Thomas, 363.  
 Seers, Seeres, —, 432.  
   Alexander, 431, 460.  
   Mary, 431.  
   Robert, 431.  
   Thomas, 187.  
 Serge, *see* Cloth.  
 Servants, 4, 9, 11, 19, 28, 32, 59, 82, 93, 117, 118, 136, 143, 144, 148, 150, 154, 159, 160, 174, 181, 189, 203, 212, 218, 221, 224-226, 231-233, 243-246, 251, 253, 254, 263, 265, 268, 278, 279, 281, 285, 296, 303, 304, 320, 344, 346-348, 363, 366, 371, 372, 376-378, 382, 391, 393, 395, 400, 403, 408-410, 414, 422, 423, 430, 435, 436, 452, 459-461, 463, 465, 466.  
 Sesegenaway (Indian), 182.  
 Settles, *see* Furniture.  
 Severance, Severanc, Severans, John, 1, 21, 59, 60, 63, 97, 98, 146-148, 150, 214, 237, 248, 251, 253, 254, 272, 319, 320, 363, 364, 406, 407, 410, 450.  
 Sevy, Sevie, Richard, 470.  
   Thomas, 439.  
 Sewall, Souhell, —, 6, 59.  
   Henry, 293, 472.  
   Mehitable, 293.  
   Stephen, 178, 201.

- Shaffin, Michael, 116, 223, 293, 343, 379, 386, 462, 466.  
 Mighill, 19.  
 Shapleigh, Shapleidge, Capt., 316.  
 Maj., 317.  
 Nicholas, 182, 317, 319.  
 Shaples, Capt., 369.  
 Sharpe, Sharp, Alice, 448.  
 Hannah, 466.  
 Nathaniel, 448, 466.  
 Richard, 296.  
 Samuel, 375, 466.  
 Shatswell, Satchwell, Sattswell, Se-  
 chell, Shatchel, Shattswell, —, 141, 142, 159, 317, 453.  
 Rebecca, 141.  
 Richard, 76, 90, 133, 140, 142, 150, 151, 235, 304.  
 Theophilus, 35-38.  
 Thomas, 166.  
 Shattock, Samuel, 19, 110, 116, 223, 293, 343, 417, 435, 462, 466.  
 Shaw, Shawe, —, 64, 394.  
 Abraham, 155.  
 Benjamin, 99, 404.  
 Joseph, 101.  
 Richard, 395.  
 Roger, 253.  
 Shawsheen river, 227.  
 Sheat, Benjamin, 199.  
 Sheep, *see* Animals, (domestic).  
 Sheets, *see* Furnishings.  
 Sheffield, Sheffield, Mary, 97, 141.  
 Shepard, Shepherd, Dorothy, 469.  
 Isaac, 290, 291.  
 Samuel, 384, 469.  
 Sherbourn, —, 452.  
 Elizabeth, 252.  
 Sherman, Shearman, —, 331, 332.  
 Richard, 394.  
 Sherrat, Sharrat, Sherred, Sherod, —, 278.  
 Elizabeth, 237, 272, 273, 307, 319, 450.  
 Hugh, 60, 247, 251, 272, 273, 307, 450.  
 Shifts, *see* Clothing.  
 Shingles, *see* Manufactures.  
 Ship, *see* Vessels.  
 Shipwreck, *see* Casualties.  
 Shirts, *see* Clothing.  
 Shoemaker, *see* Trades.  
 Shoes, *see* Clothing.  
 Shops, *see* Buildings.  
 Short, Anthony, 361.  
 Henry, 4, 75, 126, 237.  
 Shorthand, 122.  
 Shovels, *see* Tools.  
 Shrimpton, Samuel, 432, 464.  
 Sient, Jean, 344.  
 Sieves, *see* Utensils.  
 Silk, 91.  
 Silk, *see* Cloth.  
 Silsby, Silsbey, Sylsbey, —, 435.  
 Henry, 19, 102, 258, 292, 367, 383.  
 Jonathan, 445.  
 Silver, Katherine, 294.  
 Thomas, 66, 90, 294.  
 Simson, Francis, 257, 367, 368.  
 Sindry, Syndry, David, 93, 94.  
 Singletary, Singeltary, Singletarye, John, 55.  
 Jonathan, 6, 7, 27, 39, 40, 55, 74, 92, 120-122, 166, 203, 214, 222, 304.  
 Richard, 7, 27, 39, 40, 56, 213, 214.  
 Susan, 40.  
 Susanna, 6, 7, 39, 40.  
 Sipple, Owen, 408.  
 Skalion, Dennis, 148.  
 Skamp, Robert, 209.  
 Skelton, Scelton, —, 205.  
 Samuel, 206.  
 Skery, Scery, Frances, 256.  
 Francis, 101, 256, 341, 454, 464.  
 Henry, 74, 104, 162, 203, 222, 224, 270, 293, 298, 339, 367, 376, 382, 383, 388, 420, 444, 445, 466, 467.  
 Skins, 180, 182, 363.  
 Beaver, 93, 94, 286, 287, 301.  
 Fox, 301.  
 Seal, 349.  
 Skirts, *see* Clothing.  
 Slander, *see* Crimes.  
 Slater, Slather, Slauther, Eliza, 267.  
 Elizabeth, 102, 103, 294.  
 John, 102, 103, 182, 267, 294.  
 Sleds, *see* Tools.  
 Sleeper, Sleep, Thomas, 1, 280.  
 Small, Smale, An, 380.  
 John, 19, 20, 116, 223, 293, 343, 381, 462, 466.  
 Samuel, 268.  
 Thomas, 176.  
 Smith, Smithe, —, 17, 21, 103, 181, 245, 371.  
 Capt., 424.  
 Lt., 78.  
 Benjamin, 455.  
 Ephraim, 117.  
 Faith, 384.  
 George, 14, 66, 81, 150, 151.  
 Hannah, 191.  
 Henry, 415, 417.  
 Hugh, 400, 411.  
 James, 69, 70, 367, 368, 413-419, 423, 466, 467.



- Smith, John, 19, 20, 116, 117, 145, 223, 232, 246, 264, 275, 276, 293, 316, 321-323, 343, 379, 381, 386, 413, 434, 462, 466.  
 Martha, 151, 246.  
 Mary, 11, 16, 68-70, 117, 411, 417, 419.  
 Nicholas, 247.  
 Richard, 44, 45, 66, 152, 212, 362.  
 Robert, 3, 117, 144, 150, 203, 247, 315, 354, 452.  
 Samuel, 292, 389.  
 Sarah, 136.  
 Thomas, 20, 182, 309, 385.  
 William, 194, 247, 269, 295, 336, 354, 383, 386.  
 Smiths, *see* Trades.  
 Snawsall, Thomas, 348, 349.  
 Snuff, *see* Rapp.  
 Soap, *see* Manufactures.  
 Soldiers, *see* Military.  
 Somerby, Sumerbye, —, 295.  
 Abiel, 468.  
 Anthony, 44, 84, 88, 120, 126-130, 147, 157, 161, 187, 216, 247, 293, 329, 330, 345-347, 370, 385, 388, 425, 426, 454, 468, 472.  
 Rebecca, 157.  
 Somes, Mary, 471.  
 Soolard, Bethia, 385.  
 John, 385.  
 Sorlah, John, 47, 135, 241, 309, 398.  
 Souter, Hannah, 366.  
 John, 366.  
 South field, 173, 177, 207, 219, 269, 361, 447, 463.  
 South river, 447.  
 Southwick, Sotherick, Suddrick, Sutchicke, Suthereck, Daniel, 20, 116, 224, 293, 343, 381, 386, 462, 466.  
 John, 19, 116, 176, 224, 275, 294.  
 Josiah, 20, 116, 223, 293, 343, 381, 386, 460, 462, 466.  
 Provided, 20.  
 Sowtherland, —, 332, 333.  
 Spain, 135.  
 Spanish, 231.  
 Sparke, —, 332.  
 Spectacles, *see* Clothing.  
 Spencer, Henry, 254, 255, 264-266.  
 Spellbury, Moses, 412.  
 Spinning wheels, *see* Tools.  
 Spits, *see* Utensils.  
 Spofford, Spafford, Frances, 294.  
 John, 145, 294.  
 Spooner, —, 73.  
 Elizabeth, 219.  
 Spooner, Hanna, 219.  
 John, 219.  
 Sara, 219.  
 Thomas, 72, 83, 219.  
 Spoons, *see* Utensils.  
 Sprage, Sprake, —, 291, 470.  
 William, 344, 350, 417.  
 Squam, 327, 391.  
 Stackhouse, Richard, 422.  
 Stacy, Stace, Stacie, Stasee, Henry, 348, 419, 420, 438, 443, 444.  
 Jane, 444.  
 John, 221, 262.  
 Mary, 419, 420, 443, 444.  
 Simon, 136, 272, 299.  
 Thomas, 5, 12, 304, 453.  
 Staff, black, 219, 329, 442.  
 Stafford, Elizabeth, 292.  
 Thomas, 292.  
 Stamford, Conn., 96.  
 Stanbery, Thomas, 92.  
 Stanian, —, 31, 101.  
 Anthony, 56, 62, 98, 247, 280, 452.  
 John, 404.  
 Stanwood, Stainwood, Stainwood, Staynewood, Philip, 47, 260, 267, 337, 374.  
 Starch, *see* Furnishings.  
 Starlin, William, 387, 388, 397.  
 Staves, *see* Manufactures.  
 Stawbry, Thomas, 76.  
 Stebbins, Stebins, John, 284, 286, 300.  
 Stedson, Vinson, 297.  
 Sterling, William, 387.  
 Stevens, Steevens, Stevenes, Elizabeth, 295.  
 Hanna, 295.  
 Isaac, 266, 267, 327, 391.  
 James, 47, 267, 272, 326, 327, 337, 345, 383, 390, 391, 442.  
 John, 237, 247, 263, 295, 375, 424, 442, 470.  
 Nathan, 295.  
 Nathaniel, 424.  
 Sargent, 145.  
 William, 241, 308, 431.  
 Stickney, Stickny, Amos, 357, 385, 468.  
 Andrew, 357, 468.  
 Elizabeth, 357.  
 Faith, 357.  
 John, 357, 385.  
 Mary, 357, 469.  
 Mercy, 357.  
 Samuel, 294, 357, 469.  
 Sarah, 469.  
 Thomas, 357.  
 William, 119, 294, 357, 469.

- Stillman, Stileman, —, 416.  
   Elias, 18, 43, 72, 79, 83, 92, 115,  
     117, 168, 169, 171, 173, 182,  
     196, 221, 286, 418.  
   Judith, 108.  
   Richard, 18, 146, 397.  
 Stilson, —, 244.  
   Vincent, 435.  
 Stimson, George, 136, 143, 144.  
 Stocker, —, 84.  
   Joseph, 285.  
   Thomas, 297, 298.  
 Stockings, *see* Clothing.  
 Stocks, *see* Punishments.  
 Stoddard, Anthony, 169, 171, 287,  
   442, 443, 463, 465, 466.  
 Stonard, —, 447.  
 Stone, —, 360.  
   Hugh, 467.  
   John, 428.  
   Nathaniel, 458.  
   Robert, 19, 20, 116, 182, 343, 381,  
     386, 434, 462, 466.  
 Stools, *see* Furniture.  
 Story, Storie, —, 190.  
   Seth, 183.  
   William, 119, 183, 441.  
 Stowers, Joseph, 424, 452.  
 Strickland, Peter, 182.  
 Strowd, Henry, 170.  
 Stuart, Steward, Peter, 117.  
   Sara, 180, 181.  
   William, 180.  
 Sturgeon, *see* Fish.  
 Suet, *see* Food.  
 Suffolk, County of, 369.  
 Sugar, *see* Food.  
 Suicide, *see* Crimes.  
 Sunday, *see* Religious Affairs.  
 Suttan, Richard, 131-133, 309, 329.  
 Swadoek, John, 247.  
 Swain, Swayne, Francis, 250.  
   Jeremiah, 455.  
 Swampscott, 248.  
 Swan, Elizabeth, 278.  
   Richard, 182, 197, 233, 239, 259,  
     453.  
   Robert, 2, 29, 56, 57, 99, 123-125,  
     199, 202, 213, 239, 250, 276-  
     278, 404, 407, 409.  
   Thomas, 302, 383.  
 Swasie, Joseph, 446.  
 Swearing, *see* Crimes.  
 Swett, Sweat, Swet, —, 242.  
   Benjamin, 144, 198, 363.  
   John, 205, 206.  
   Phebe, 294.  
   Rebecca, 294, 385.  
   Stephen, 47, 63, 68, 70, 152, 161,  
     187, 188, 195, 196, 294, 309, 399.  
 Swett's Cove, 207.  
 Swine, *see* Animals (domestic).  
 Swinerton, Swinnerton, Job; 77,  
   82, 118, 289, 441.  
   John, 286.  
 Sword, *see* Weapons.  
 Symonds, Simonds, Simons, —,  
   97, 101, 119, 147, 153, 165, 193,  
   242, 243, 248, 259, 358, 402,  
   403, 457.  
   Elizabeth, 294.  
   Harlackendine, 157, 243, 291,  
     320, 373, 457.  
   Joanna, 355, 356.  
   John, 294.  
   Rebecca, 244.  
 Samuel, 5, 9, 21, 38, 41, 43, 47,  
   48, 56, 73, 84, 97, 106, 119, 120,  
   134, 137, 144, 150, 154, 165,  
   182, 186, 188, 192, 194, 195,  
   203, 216, 227, 228, 237, 240,  
   244-247, 270, 272, 279, 281,  
   299, 302, 303, 313, 314, 320,  
   321, 325, 327-329, 338, 344,  
   347, 348, 359, 361, 362, 366,  
   372, 373, 387, 391, 396, 413,  
   422, 426, 427, 436, 438, 447,  
   451, 454, 457, 458, 469.  
   William, 93, 100, 171, 247, 405,  
     422, 451.  
 Tables, *see* Furniture.  
 Tachell, Mary, 226.  
 Taffety, *see* Cloth.  
 Tailor, *see* Trades.  
 Tan vat, 283.  
 Tanner, *see* Trades.  
 Tape, *see* Cloth.  
 Tapley, Taply, John, 210, 260, 292,  
   330-333.  
 Tappan, *see* Toppan.  
 Tar, *see* Manufactures.  
 Tarbey, Mark, 181.  
 Tarbox, —, 79.  
   John, 38.  
 Tarry, Milmay, 269.  
 Tayler's river, 98.  
 Taylor, Tailor, Taler, Taylour, —,  
   64, 381.  
   Anthony, 2, 279, 364.  
   Elizabeth, 112.  
   George, 114, 282, 297, 403.  
   Henry, 296.  
   Mary, 448, 449.  
   Robert, 373, 383.  
   Samuel, 449.  
   Sara, 44.  
   Tobias, 97.  
   Walter, 1, 58, 98, 99, 101, 148,  
     191, 248, 251.

- Taylor, William, 319.  
 Teachers, 165, 314.  
 Temple, Tobias, 12, 19.  
 Tenney, Tenny, Teny, John, 294,  
     393, 469.  
     Mercy, 469.  
     Samuel, 469.  
     Sarah, 294.  
     Thomas, 84, 389, 425, 426.  
     William, 299, 344, 353, 354, 387,  
     436.  
 Tewksbury, Henry, 385.  
     Naomi, 385.  
 Thatch, 275, 276, 346.  
 Theft, *see* Crimes.  
 Thing, Jonathan, 315, 365, 397, 404,  
     408-410.  
 Thistle, Richard, 209.  
 Thomas, Thommas, —, 96, 196,  
     197, 442, 471.  
     David, 369.  
     William, 133, 134, 161, 194, 195,  
     293, 442.  
 Thomson, Tompson, Tomson, Alex-  
     ander, 430, 438.  
     Deliverance, 430, 438.  
     Rachel, 236.  
     Robert, 10.  
     Simon, 236, 237, 241, 278, 305,  
     345, 358, 363.  
     William, 137.  
 Thorndike, John, 78.  
 Thorne, —, 380.  
 Thorning, John, 111.  
 Thread, 82, 91, 245, 331.  
 Thurlow, Therlow, Thurly, Tharlay,  
     Tharley, Tharly, Thurill, Thur-  
     lay, Thurrell, Thurrill, Francis,  
     294, 321, 413.  
     Richard, 5, 126, 294, 295, 354.  
     Thomas, 321, 388, 400, 413.  
 Thurston, Ann, 355.  
     Daniel, 185, 237, 293, 294, 354,  
     355.  
     Richard, 394, 395.  
     Stephen, 293.  
     William, 333.  
 Ticking, *see* Cloth.  
 Tiller, Job, 21.  
 Tilton, —, 114.  
 Timber, *see* Manufactures.  
 Titcomb, Titcom, Titcumb, Titt-  
     com, Tittcombe, Anne, 385.  
     Mary, 293.  
     William, 251, 344, 366, 385, 387,  
     436, 448.  
 Titherly, John, 212.  
 Tobacco, 53, 89, 91, 104, 268, 316,  
     331, 336, 352, 394, 395, 433,  
     463, 464, 465.  
 Tobacco pipes, 53, 89, 91, 399, 415,  
     438.  
 Tod, Todd, Tode, —, 159, 226.  
     John, 12, 14, 21, 28, 29, 63, 70, 92,  
     94, 123-126, 133, 136, 213-215,  
     236, 254, 258, 270, 294, 299,  
     300, 307, 309, 329, 330, 345,  
     382, 383, 389, 390, 393, 399,  
     401, 411, 427, 436, 437, 450.  
     Susana, 330.  
     Thomas, 294.  
 Toleman, Elizabeth, 381.  
 Tomlin, John, 7.  
 Tompkins, John, 379.  
     Nathaniel, 20, 116.  
     Ralph, 379, 380.  
     Samuel, 330.  
 Tongs, *see* Utensils.  
 Tongue, *see* Food.  
 Tools, implements, etc., 61, 181,  
     266, 351, 362, 436.  
     Augers, 219, 268, 316, 336, 382.  
     Axe, morticing, 316.  
     Axes, 19, 62, 63, 77, 80, 90, 95, 103,  
     107, 174, 176, 180, 201, 219,  
     252, 255, 267, 305, 316, 336,  
     357, 361, 382, 433, 470.  
     Axe-helf, 108.  
     Axle-tree, 297, 440.  
     Beam, 73.  
     Beetle rings, 180, 201, 316, 408,  
     470.  
     Beetles, 19, 62, 95, 255, 408.  
     Bodkin, silver, 70.  
     Brakes, 181.  
     Breast wimble, 268.  
     Broadaxe, 64, 62, 268.  
     Broadhoe, 63, 331, 361.  
     Broom, 33.  
     Brushes, 173, 174, 381.  
     Cards, 180, 316, 337, 357.  
     Cards, wool, 381.  
     Carpenter's tools, 113, 267.  
     Carriages, 440.  
     Cart, mine, 306.  
     Cart rope, 19, 201, 316.  
     Carts, 19, 45, 46, 63, 64, 77, 95,  
     115, 132, 160, 180, 204, 219,  
     232, 255, 276, 277, 297, 298,  
     305, 316, 347, 357, 361, 363,  
     379, 382, 404, 411, 434, 462.  
     Chains, 63, 64, 77, 83, 201, 219,  
     267, 316, 361, 382, 410, 411,  
     425, 439.  
     Chains, draft, 63.  
     Chains, timber, 63.  
     Chalk line, 268.  
     Chissels, 268, 316, 336.  
     Cider press, 382.  
     Cooper's tools, 215, 363.

## Tools.

Cow bell, 268.  
 Crow, 382.  
 Drawing knife, 305.  
 Dressers, 362.  
 Forks, 19, 63, 202, 277, 316, 382.  
 Frow, 470.  
 Furnace, 262, 306, 430, 470.  
 Gimlet, 352.  
 Goad, 305.  
 Gouge, 268, 316.  
 Grate, broad, 316.  
 Grindstones, 63, 267, 336, 430, 472.  
 Hammers, 62, 316, 447.  
 Hammers, shoemaker's, 362.  
 Handsaw, 316, 336.  
 Harping iron, 301.  
 Harness, 73, 342.  
 Harrow, 201, 219, 316, 361.  
 Hatchel, 316.  
 Hatchets, 252.  
 Hayrick, 45.  
 Heckle, 382.  
 Hemp comb, 434.  
 Hoes, 77, 95, 180, 201, 219, 252, 267, 269, 283, 316, 399, 430, 470, 471.  
 Hollowing stick, 362.  
 Hoops, 181, 379.  
 Iron, old, 115.  
 Jack, 115, 173, 231.  
 Knives, 362.  
 Knives, cutting, 362.  
 Knob bit, 133.  
 Ladders, 181, 194, 274, 305, 316, 336, 379.  
 Lasts, 362.  
 Linen wheels, 219, 316.  
 Looms, 73, 194, 219, 342, 382, 411.  
 Looms, weaver's, 19, 39.  
 Mallet, 333.  
 Mattox, 62.  
 Measures, 357.  
 Millstones, 116.  
 Molds, back, 306.  
 Needles, 91.  
 Patterns, 362.  
 Penknives, 360.  
 Pensheare, red, 360.  
 Pick, 33.  
 Pickaxe, 316.  
 Pincers, 62, 316, 362.  
 Pins, 63, 64, 331.  
 Pitchforks, 278, 331, 336.  
 Planes, 268.  
 Plough irons, 63, 115, 201, 267, 429, 434, 471.  
 Plough tacking, 83, 289.

## Tools.

Ploughs, 19, 63, 77, 95, 114, 160, 201, 219, 232, 267, 316, 361, 382, 411, 425.  
 Pot, dung, 219.  
 Punch, 362.  
 Rakes, 63, 202, 382.  
 Reap hook, 201.  
 Rings, 336.  
 Ropes, 19, 115, 298, 332, 405.  
 Rule, white, 360.  
 Saws, 19, 252, 430, 471.  
 Saws, crosscut, 63, 336, 361.  
 Saws, hand, 180, 223.  
 Saws, mill, 63.  
 Saws, tenant, 379.  
 Scales and weights, 62, 73, 115, 176, 270, 316.  
 Scissors, 281, 352.  
 Scythes, 19, 63, 91, 104, 180, 181, 267, 279, 305, 330, 336, 361.  
 Sea instruments, 432.  
 Shears, 95, 316, 381, 460.  
 Shoemaker's tools, 178.  
 Shovels, 114, 116, 201, 217, 336, 382.  
 Shuttle, 73.  
 Sickle, 193, 361.  
 Sledge, 336.  
 Sleds, 63, 267, 305, 357, 379, 434.  
 Sles, 73, 219, 342.  
 Smith's tools, 173.  
 Spade trees, 382.  
 Spades, 19, 63, 115, 176, 201, 217, 267, 316, 336, 382, 470.  
 Span shackle, 63, 64, 316.  
 Spindle, 336.  
 Spinning cards, 19.  
 Spinning wheels, 78, 80, 173, 175, 337, 357, 359, 362, 381.  
 Square, 268.  
 Staple, 379.  
 Steelyards, 306, 433.  
 Stocks, 268.  
 Stopping stick, 362.  
 Tacks, 362.  
 Team, 278, 284, 346, 440.  
 Towcomb, 356.  
 Tumbrel, 63, 267, 419.  
 Weaving tackling, 342.  
 Wedges, 19, 62, 80, 95, 174, 176, 180, 201, 267, 316, 336, 408, 433, 470.  
 Wedges, raising, 362.  
 Wheelbarrows, 181, 217, 419.  
 Wheels, 19, 61, 63, 64, 95, 115, 201, 305, 359, 382, 411, 462.  
 Wheels, cart, 114.  
 Wheels, mill, 364.  
 Wheels, woolen, 316.

## Tools.

- Weights, 357, 454.
- Weights, shot, 73.
- Yokes, 63, 201, 219, 267, 316, 361, 379, 382.

## Toppan, Tappan, Tapin, Tappen, Tappin, Tapping, —, 63.

- Abraham, 84, 127, 131, 132, 182, 255, 270, 345, 448.

Elizabeth, 293.

Jane, 131, 132.

John, 304.

Peter, 130-132, 293, 468.

Susan, 131, 132.

## Topsfield, 23, 29, 65, 74, 85, 117,

- 125, 135, 137, 138, 150, 182, 194, 197, 218, 222, 226, 228, 235, 255, 261, 273, 291, 299, 306, 310-312, 335, 336, 371, 386, 393, 427, 431, 447.

## Topsfield, vital records of, 117, 386.

## Topsfield village, 260.

## Toule, Philip, 98, 147, 364.

## Tow, 61, 357.

Towels, *see* Furnishings.

## Towne, Town, Townes, Benjamin, 386.

Cathorne, 386.

Edmond, 137, 177, 313, 336, 386.

Edward, 84, 354.

Jacob, 336, 386.

Joseph, 386.

Mary, 386.

Phebe, 386.

William, 386.

## Trades, professions and occupations, 357.

Artists, 450.

Blacksmith, *see* Smith.

Bricklayer, 390.

Brickmaker, 206.

Calendar, 385.

Carpenter, 113, 267, 286, 298, 332, 360, 392, 454.

Chapman, 9, 237.

Chirurgeon, 1, 300, 308, 394.

Clothier, 187.

Cooper, 123, 215, 363, 417, 428.

Cowkeeper, 115, 228.

Distiller, 172.

Draper, 204.

Fisherman, 41, 96, 186, 191, 212, 272, 288.

Foreshipman, 262, 288.

Gentleman, 76, 134, 135, 162, 273, 298, 302, 446.

Glazier, 383.

Glover, 314.

Guager, 319.

Haberdasher, 93.

## Trades.

Hatter, 53, 97.

Hay ward, 128.

Herdsmen, 123, 126-129, 256, 396.

Hostler, 4, 62.

Husbandman, 303, 304, 322, 390, 401, 437.

Mariner, 14, 80, 146, 334, 417, 421.

Master mariner, 42, 92-94, 155, 169, 209, 288, 301, 324, 334, 370, 394, 463.

Merchant, 5, 41, 57, 71, 99, 161, 191, 199, 215, 253, 261, 298, 308, 324, 335, 349, 370, 372, 395.

Midshipman, 288.

Miller, 11, 15, 91.

Millwright, 216.

Ministry, 72.

Packer, 319.

Physician, 44, 45, 49, 51, 53, 54, 65, 74, 75, 88, 106, 107, 134, 158, 159, 183, 297, 298, 363, 378.

Porters, 331.

Prison keeper, 56, 121, 153, 214, 227, 352.

Sawyer, 269, 406.

School master, 368.

Seaman, 204, 265, 326, 374.

Ship carpenter, 43, 44, 333, 431.

Shipwright, 334.

Shoemaker, 178, 362, 385.

Smith, 80, 173, 334, 408.

Surgeons, 163, 164.

Tailor, 82, 276, 295, 316, 322, 460.

Tanner, 8, 302, 362.

Watchman, 352.

Weaver, 19, 158, 342, 359.

Wheelwright, 117.

Worsted weaver, 385.

Yeoman, 273, 299, 303, 397.

## Trask, Traske, Capt., 205.

Edward, 461, 466.

Henry, 19, 116, 224, 293.

John, 15, 20, 340, 438.

Mary, 340.

Osmand, 16, 83, 221, 289, 422, 461, 463, 466.

Sarah, 221, 340.

Susan, 340.

William, 206, 207, 340.

## Travis, Travers, James, 267, 275, 351, 447.

## Tredwell, —, 286.

Abigail, 359, 360.

Nathaniel, 153, 470.

Thomas, 17, 153.

## Trees, 35-37, 147, 228, 323, 470.

- Trees, Apple, 38, 418.  
Nursery, 470.  
Walnut, 29.
- Trees, *see also* Orchards,  
Trenchers, *see* Utensils.
- Trevett, Trevet, Trevitt, Henry,  
182.  
Mary, 16, 111.
- Trimman, John, 94.
- Trotter, Troter, Sara, 293.  
William, 187, 188, 293.
- True, Henry, 324.
- Trumboll, Trumble, Trumbole, John,  
16, 137, 275, 288, 384, 411, 469.  
Joseph, 137.  
Judah, 192.  
Katherine, 194.
- Trunks, *see* Furniture.
- Tubs, *see* Utensils.
- Tuck, —, 44, 101, 202.  
Edward, 252.  
Joanna, 200, 248, 318.  
John, 252.  
Robert, 1, 3, 45, 56, 58, 63, 145,  
200, 248, 251, 252, 318, 365.  
Thomas, 7, 330, 343, 386, 421.
- Tucker, Andrew, 191, 220, 263.  
Nicholas, 191, 220, 263.
- Turf and twig, 124, 187, 206, 222,  
467.
- Turkey, 143.  
Turkey hill, 123.
- Turland, Joshua, 428.
- Turner, —, 395.  
Ephraim, 93.
- Turnip seed, 33.
- Turnips, *see* Food.
- Turell, Daniel, 104.
- Tuttle, Tuttell, Sarah, 141.  
Simon, 95, 141-143, 150, 218, 222,  
245.
- Twinc, 332, 349.
- Tyler, Tiler, Job, 12, 216, 284, 442,  
443, 470.
- Tyng, Edward, 210, 285, 302, 306,  
333, 344, 350, 443.
- Underwood, James, 217.
- University, the, 163.
- Upton, Ribton, John, 176, 264-266.
- Ursleton, Usselton, Francis,  
23, 85.  
James, 157.
- Usher, —, 9.
- Utensils, Household, 357, 361, 362,  
436, 448, 449.  
Andirons, 115, 173, 178, 231, 232,  
252, 305, 316, 339, 382, 432,  
433, 464.  
Backs, iron, 174, 305.
- Utensils, Household.  
Bags, 19, 20, 61, 62, 73, 80, 115,  
269, 316, 331, 333.  
Baking pan, 231.  
Barrels, 19, 20, 35, 61, 78, 80-82,  
104, 105, 109, 175, 212, 220,  
260, 262, 268, 330, 332, 333, 336,  
337, 350, 375, 382, 433, 434,  
461, 464.  
Barrels, beer, 231, 356.  
Basket, child's wicker, 232.  
Baskets, 73, 78, 173, 175, 177,  
375.  
Baskets, linen, 175.  
Baskets, table, 232.  
Basin, 20, 73, 79, 115, 174, 223,  
252, 267, 316, 356, 362, 375, 429.  
Basin, earthen, 429.  
Basin, gally, 231.  
Basin, verged, 316.  
Beaker, 20, 79, 174, 177, 429.  
Bed pan, 231.  
Beef pricker, 115.  
Beer vessels, 356, 363, 375.  
Bellows, 116, 316, 337, 375, 429,  
464.  
Bottles, 104, 115, 173, 267, 274,  
275, 330.  
Bottles, jug, 73, 79, 174.  
Bottles, stone, 73.  
Bottles, suckling, 73.  
Bottles, pewter, 254, 265.  
Bottles, case of, 95, 173, 356, 464.  
Bowls, 61, 79, 173, 174, 316, 375.  
Bowls, beer, 429.  
Bowls, pewter, 177.  
Bowls, silver, 360.  
Brass, 71, 76, 340, 342, 363, 403,  
436.  
Butter dishes, 252.  
Butts, 324.  
Candlesticks, 20, 162, 176, 337,  
429.  
Candlesticks, brass, 20, 73, 80,  
174, 177, 231, 252, 356, 464.  
Candlesticks, iron, 73, 360.  
Candlesticks, latten, 380, 464.  
Candlesticks, pewter, 316, 359.  
Cans, 116.  
Casks, 82, 104, 116, 172, 212, 219,  
232, 253, 301, 331, 395, 430.  
Casks, beer, 252, 429.  
Castor, 181, 447.  
Chafing dish, 173, 176, 231, 280,  
316, 375.  
Chafing dish, brass, 178, 432.  
Chafing dish, iron, 433.  
Cheese press, 61, 219, 231, 252, 316.  
Churns, 19, 61, 180, 316, 356, 411,  
430.

## Utensils, Household.

Cistern, 231.  
 Cob irons, 61, 63, 231.  
 Copper, 116, 223, 231, 252, 470.  
 Creeps, 232.  
 Cullender, 252, 375.  
 Cups, 20, 115, 415, 429, 464.  
 Cups, beer, 252.  
 Cups, brass, 20.  
 Cups, dram, 252, 267, 433.  
 Cups, silver dram, 173, 432.  
 Cups, silver wine, 429.  
 Cups, wine, 252.  
 Dairy ware, 62, 219, 252.  
 Dishes, 20, 50, 429.  
 Dishes, china, 361.  
 Dishes, pewter, 20, 73, 79, 174, 252, 280, 316, 337, 356, 361, 380, 429, 462.  
 Dishes, wooden, 80, 174, 316.  
 Dogs, 173, 252.  
 Dripping pans, 69, 115, 223, 231, 252, 316, 429, 462.  
 Earthen ware, 78, 114, 115, 173, 177, 219, 223, 316, 337, 339, 351, 357, 363, 380, 381, 429, 430, 432, 433, 464.  
 Earthen ware in a case, 173.  
 Fender, 464.  
 Fire pans, 115, 231, 316, 433, 464.  
 Fire shovels, 20, 79, 95, 162, 173, 174, 176, 178, 339, 429.  
 Firkin, 104, 268, 316, 331, 442.  
 Flagon, 115, 447.  
 Flask, 140.  
 Forks, 61, 231, 252.  
 Frying pans, 19, 20, 61, 63, 73, 79, 114, 115, 173, 174, 176, 180, 201, 231, 316, 337, 339, 351, 379, 382, 432, 433, 471.  
 Funnel, 116, 429.  
 Glasses, 51, 80, 174, 231, 339, 375, 429, 433, 436.  
 Graters, 429.  
 Gridirons, 20, 63, 69, 79, 83, 115, 173, 174, 178, 252, 268, 306, 339, 470.  
 Hakes, 20, 62, 73, 79, 83, 115, 173, 174, 219, 339, 375, 379, 429, 433.  
 Hogsheads, 282, 333, 394, 397, 459, 463, 465.  
 Hooks, 114, 305.  
 Hourglasses, 316, 361.  
 Inkhorn, 352.  
 Iron, 71, 76, 78, 339, 403.  
 Iron and heat, 448.  
 Jars, oil, 115.  
 Jug, 433.

## Utensils, Household.

Keelers, 173, 316, 356, 430.  
 Kegs, 442.  
 Kettles, 19, 61, 69, 73, 77, 79, 83, 95, 114, 115, 173, 174, 178, 201, 223, 231, 291, 316, 331, 337-339, 342, 356, 359, 375, 379, 381, 411, 432.  
 Kettles, brass, 20, 69, 73, 79, 83, 114, 162, 173, 174, 176, 177, 252, 267, 305, 316, 339, 348, 355, 361, 379, 429, 432, 433, 464.  
 Kettles, copper, 63, 231, 252.  
 Knives, 54, 91, 133, 193, 245, 255, 337, 352.  
 Knives, case of, 173.  
 Ladles, 173, 231, 337.  
 Ladles, brass, 73, 80, 115, 174, 252.  
 Ladles, Indian, 332.  
 Lamps, 73.  
 Landiron, 63.  
 Lanthorns, 173, 252.  
 Latten ware, 80, 83, 115, 174, 267, 432.  
 Leather case, 316.  
 Lisbon ware, 80, 174.  
 Mortar, 162, 178, 223, 231, 331, 358, 381, 433.  
 Mortar and pestles, 63, 73, 114, 173, 176, 375, 380, 429.  
 Mortar and pestles, brass, 80, 115, 175, 316.  
 Pails, 61, 80, 83, 173, 175, 176, 180, 216, 219, 316, 337, 356, 375, 378, 379, 434.  
 Pan, brass, 252, 340.  
 Pan, earthen, 62, 178.  
 Pan, latten, 61, 252.  
 Pan, milk, 180.  
 Pan, pudding, 173, 231, 316.  
 Pestle, 382.  
 Pewter, 63, 69, 71, 73, 76-78, 83, 95, 114, 115, 162, 173, 176, 181, 201, 219, 223, 231, 284, 339, 340, 342, 358, 359, 363, 375, 381, 403, 411, 429, 432-434, 436, 464.  
 Pewter, pint, 20.  
 Pewter, quart, 20.  
 Piggia, 246, 316, 449.  
 Pipe, 104, 330, 450.  
 Pitchers, 246.  
 Plate, 232.  
 Plate, silver, 71.  
 Plates, 73, 252, 429.  
 Plates, fish, 316.  
 Plates, pewter, 267, 280, 316.  
 Platters, 115.

## Utensils, Household.

Platters, pewter, 73, 115, 177, 180, 223, 267, 268, 338, 361.  
 Platters, Spanish, 231.  
 Platters, wooden, 115.  
 Porringers, 73, 79, 174, 177, 252, 316, 359, 429, 462.  
 Posnet, 361, 375.  
 Posnet, iron, 20.  
 Potenshees, 20.  
 Pot grease, 400.  
 Pot hangers, 162, 178, 201, 337, 382, 462, 464.  
 Pot hooks, 62, 63, 73, 83, 174, 180, 181, 201, 231, 252, 268, 316, 331, 375, 379, 429, 432, 433, 470.  
 Pots, 62, 69, 73, 77, 79, 95, 114, 162, 173, 174, 176, 178, 180, 181, 196, 201, 219, 223, 231, 252, 266, 267, 291, 298, 316, 331, 333, 337, 340, 342, 351, 355, 356, 359, 261, 375, 379, 381, 397, 411, 429, 432-434, 470.  
 Pots, brass, 73, 115, 181, 219, 231, 266, 267, 316, 337, 359, 429, 464.  
 Pots, chamber, 20, 73, 178, 252, 316, 429.  
 Pots, earthen, 80, 115, 175, 375.  
 Pots, gill, 252.  
 Pots, half-gill, 252.  
 Pots, half pint, 115, 174, 252.  
 Pots, iron, 20, 61, 63, 69, 83, 115, 339.  
 Pots, pewter, 180, 267, 429.  
 Pots, pint, 79, 115, 252, 316, 359, 429.  
 Pots, pottage, 19.  
 Pots, quart, 79, 115, 174, 178, 252, 316.  
 Racks, 115.  
 Rings, 306, 464.  
 Rubstones, 104, 330, 417.  
 Sacks, 180, 381, 430.  
 Salt box, 61.  
 Salt sellers, 20, 80, 174, 252, 316, 429.  
 Saucers, 20, 73, 79, 115, 174, 252, 316, 359.  
 Scales, 356, 471.  
 Scales, brass, 429.  
 Sieves, 19, 61, 80, 115, 162, 173, 174, 180, 316, 382, 430.  
 Skillets, 61-63, 69, 79, 95, 114, 173, 174, 178, 201, 223, 231, 252, 316, 331, 339, 351, 356, 359, 375, 379, 381, 429, 432-434, 464.

## Utensils, Household.

Skillets, bell metal, 73.  
 Skillets, brass, 20, 69, 73, 83, 162, 173, 177, 180, 223, 252, 267, 429.  
 Skimmers, 73, 173, 252, 316, 375.  
 Skimmers, brass, 115.  
 Smoothing irons, 19, 69, 78, 79, 173, 174, 180, 316, 337, 375, 380, 382, 462, 464.  
 Spits, 20, 62, 69, 79, 114, 115, 173, 174, 178, 231, 252, 269, 316, 337, 339, 375, 382, 433, 464, 471.  
 Spoon, alchemy, 91, 316, 375.  
 Spoons, 50, 73, 79, 80, 173, 174, 180, 297, 359, 362, 375, 464.  
 Spoons, silver, 162, 245, 362, 433.  
 Still, 356.  
 Stewing pans, 231.  
 Tankard, pewter, 252.  
 Tearec, 104.  
 Tin ware, 351, 363, 381.  
 Tongs, 19, 20, 62, 79, 95, 114, 115, 140, 162, 173, 174, 176, 178, 201, 231, 232, 316, 337, 339, 375, 382, 433, 464.  
 Trammels, 63, 231, 252, 316.  
 Trays, 61, 63, 80, 83, 174, 178, 231, 316, 356, 375, 379, 429.  
 Trenchers, 80, 115, 173, 174, 180, 268, 356, 358.  
 Trevet, 231.  
 Trough, kneading, 231.  
 Trough, meal, 61.  
 Trow, sifting, 173.  
 Tubs, 95, 115, 116, 175, 176, 178, 316, 337, 356, 375, 379, 381, 411, 430, 432, 433.  
 Tubs, bucking, 73, 176.  
 Tubs, meshing, 356.  
 Tubs, powdering, 231, 316.  
 Tunnels, 316, 380.  
 Vessels, milking, 19, 95, 359, 363.  
 Viol, treble, 231.  
 Voyder, 433.  
 Warming pans, 20, 62, 79, 95, 114, 115, 173, 174, 176, 178, 181, 201, 231, 252, 267, 316, 356, 359, 375, 379, 381, 411, 429, 432-434, 464.  
 Wine quart, 115.  
 Winnowing sheets, 381.  
 Wooden ware, 61, 78, 114, 180, 201, 223, 337, 351, 381.  
 Vanden, Nicholas, 351.  
 Varnum, Varnam, Vernam, Ralph, 118.  
 Samuel, 151, 152, 244.



Varney, Verne, VERNY, Thomas, 26,  
86, 350, 371.  
Vat, *see* Fat.  
Vaughan, Vahan, William, 199, 397.  
Veal, *see* Food.  
Veale, Massy, 370.  
Venison, *see* Food.  
Veren, Verrin, Verin, —, 330, 446.  
Hillyard, 6-8, 11, 12, 14, 21, 39,  
40, 43, 72, 74, 85-87, 103-106,  
108, 115, 118, 121, 155, 156,  
162, 163, 166, 167, 169, 171,  
179, 180, 181, 184, 190, 204-  
210, 215, 217-219, 221-224,  
226, 227, 257-261, 264, 282,  
283, 286, 288, 289, 290, 292,  
296, 297, 300, 321, 322, 321,  
326, 330, 335, 340, 342-344,  
347, 350, 367, 368, 370, 373,  
375, 378, 379, 382-385, 387,  
388, 391, 392, 413, 414, 416,  
419-421, 423, 424, 431, 432,  
442-445, 447, 455-458, 460,  
464-467, 470.  
Nathaniel, 264, 290.  
Philip, 19, 20, 95, 111, 116, 117,  
223.  
Very, Verry, Hannah, 137.  
Samuel, 77.  
Thomas, 40-42, 186, 262, 347.  
Vesie, George, 363.  
Vessels and equipments, 1, 15, 43,  
105, 207, 261, 265, 286, 300,  
301, 332-334.  
Anchors, 105, 173, 217, 332.  
Bark, 14, 43, 75, 105, 199, 210,  
211, 256, 261, 301, 302, 304,  
330, 331, 332, 333.  
Blocks, 332.  
Boat, 14, 40-43, 75, 102, 103, 105-  
107, 209, 211, 220, 262, 301,  
305, 328, 331, 349, 350, 392.  
Bolt rope, 102.  
Cables, 105.  
Cabin, 119, 120, 137, 220, 332.  
Cabin rings, 220.  
Can, 332.  
Canoe, 63, 78, 95, 152, 267, 327,  
350, 391, 442.  
Clamps, 44.  
Compass dial, 267.  
Cordage, 104, 332.  
Dock, 331, 333, 391, 442.  
Foremast, 332.  
Forestaff, 464.  
Gaff, 260.  
Grapnel, 104, 211, 330.  
Grappling, 104, 178.  
Gunwales, 43.  
Haling hands, 104.

Vessels and equipments.  
Ketch, 286, 296, 324, 334, 335,  
344, 350, 369, 418, 447.  
Lantern, 332.  
Lighter, 284, 285, 382, 383.  
Main yard, 332.  
Marline, 104, 332.  
Masts, 105, 292, 317.  
Oakum, 332, 405.  
Oars, 305, 405.  
Paddle, 12, 447.  
Pitch, 332.  
Raft, 169.  
Rigging, 284.  
Roadway, 104.  
Pump, 332.  
Rudder, 284, 332.  
Sail cloth, 332.  
Sails, 102, 105, 155, 201, 332.  
Sea beds, 80, 174, 464.  
Sea clothes, 221, 464.  
Sea instruments, 432.  
Shallop, 40, 102, 104, 156, 157,  
222, 262, 288, 301, 332.  
Sheets, 102.  
Ship, 92, 93, 155, 156, 171, 288,  
298, 367, 369, 370, 394.  
Skiff, 430.  
Stocks, 334, 335.  
Specks, 332.  
Yards, 105.  
  
Black Bess (shallop), 156, 157, 222.  
Black Eagle (ship), 155, 156.  
Black Lyon (ship), 92, 169.  
Blossom (ship), 288.  
Content (bark) 256, 261, 330.  
Exchange (ship), 93.  
John, the Adventure (ship), 394,  
463.  
Love's Increase (ship), 369.  
Mayflower (ketch), 286, 300.  
New England Merchant (ship), 93.  
Phoenix (ketch), 296.  
Providence (ketch), 350.  
Recovery (ship), 369, 370.  
Return (ketch), 324, 369.  
Three Sisters (ketch), 344.  
Two Sisters (bark), 302.  
Vincent, Venson, Vinson, —, 242,  
243, 244, 302, 303.  
Humphry, 302, 303, 353.  
Nicholas, 228, 281, 425.  
William, 42, 454.  
Vinegar, *see* Food.  
Virginia, 394, 395, 440, 463, 465.  
  
Wade, —, 65, 219, 359, 389, 399.  
Jonathan, 5, 35, 70, 86, 90, 309,  
402, 436.

- Wade, Nathaniel, 35.  
Wadley, Robert, 198.  
Wages, 6, 63, 106, 127, 154, 155, 156, 262, 286, 287, 288, 322, 330, 332, 369.  
Wainwright, Francis, 91, 182, 212, 218, 240, 242, 281, 282, 296, 307, 309, 344, 387, 398, 439, 453.  
John, 439.  
Waistcoats, *see* Clothing.  
Waite, Wait, Wayt, Wayte, Alexander, 455.  
John, 298, 345.  
Richard, 42, 105, 168, 211, 212, 284, 305, 306, 324, 348, 369, 370, 394.  
Thomas, 228, 327, 399.  
Wakefield, Waekfeld, John, 285.  
William, 248, 318.  
Wakelin, Wakele, —, 192.  
Katherine, 194.  
Luke, 194, 386.  
Waldo, Walldoe, Walldo, Cornelius, 22, 28.  
Waldron, Waldern, Walderne, Wall-dron, Capt., 317, 320, 365.  
Dorothy, 272.  
Edward, 315, 384, 468.  
John, 11, 223, 269, 272, 368, 438, 454.  
Naomi, 384.  
Richard, 92, 146, 168, 171, 317, 320.  
Theophilus, 468.  
Walker, Elizabeth, 293.  
Henry, 81, 203, 220, 354.  
Richard, 159, 305-307.  
Wall, —, 101, 281.  
John, 155.  
Mary, 44.  
Waller, Waler, Christopher, 180, 276, 421.  
Wallington, Nicholas, 426, 438.  
Wallis, —, 356.  
Nicholas, 183, 401.  
Robert, 399, 401.  
Walton, Walten, —, 461, 462.  
George, 3, 198, 280.  
Nathaniel, 209.  
Samuel, 209.  
William, 369.  
Ward, Warde, —, 441.  
John, 20, 394, 395.  
Joshua, 458.  
Martha, 458.  
Mighill, 447.  
Miles, 458.  
Samuel, 16, 191, 223, 262, 275, 284, 297, 307, 334, 337, 343, 350, 387, 428, 429, 435, 454.  
Ward, Thomas, 1, 56, 100, 247, 250, 280, 404.  
Wardell, Wardall, Eliakim, 60, 64, 99, 252, 317, 318.  
Lydia, 64.  
Usdale, 313.  
Warrington, Nicholas, 267.  
Warming pans, *see* Utensils.  
Warner, Warener, Wariner, War-rener, Worner, Daniel, 160, 161, 228, 272, 360, 398, 436.  
John, 160, 161, 228, 355.  
Pricilla, 355.  
William, 22, 28, 65, 86, 88, 218, 398.  
Warr, Waree, Sarah, 395.  
Warrant, John, 385.  
Warrin, Warrine, John, 3, 97, 147, 148.  
Washington, Bartholomew, 170.  
Wasse, Thomas, 272, 273.  
Watches, *see* Clothing.  
Waters, Watters, Hannah, 183, 191, 290.  
James, 65, 386.  
Richard, 78, 174.  
William, 111, 183, 191, 221, 307, 309, 334, 335.  
Watirland, Nicholas, 350.  
Watson, Wattson, John, 393.  
Thomas, 179.  
Watts, Wots, Jeremiah, 191, 203, 226.  
Way, Richard, 322, 323.  
Waymouth, James, 448,  
Weapons, armor and equipments.  
Ammunition, 357.  
Arms, 140, 181, 361, 429.  
Bandelier, 20, 78, 83, 357, 363, 403.  
Barrel, square, 360.  
Belts, 173, 219, 254, 265, 266, 268, 336, 363, 464.  
Birding piece, 470.  
Bullets, 339.  
Corselet, 231, 316, 449.  
Crossbow, 470.  
Cutlass, 173.  
Drum, 292.  
Firelock, 360.  
Fowling piece, 114, 220, 231, 266-268, 284, 306, 358, 470.  
Gun barrel, 180.  
Gunpowder, 91.  
Guns, 114, 270, 357, 363, 369, 383, 433, 439, 440.  
Halberd, 363.  
Harping iron, 301.  
Holster, 268, 336.  
Holster strap 268.

- Weapons, armor and equipments.  
 Javelin, 178.  
 Mold worm, 360.  
 Musket, 19, 20, 63, 78, 80, 83,  
 115, 162, 173, 174, 178, 201,  
 231, 252, 266, 336, 339, 351,  
 356, 358, 360, 381, 411, 470.  
 Musket, matchlock, 361.  
 Pike, 316.  
 Pistol, 145, 173, 268, 281, 336,  
 358, 377, 450.  
 Pouch, 411.  
 Powder, 91, 95, 144, 350.  
 Rapier, 180, 196, 254, 265, 266,  
 268, 363, 464.  
 Rests, 115, 381.  
 Scabbard, 360.  
 Scourer, 360.  
 Shot, 73, 91, 95, 144, 405.  
 Shot molds, 266, 267, 284.  
 Sword, 19, 20, 63, 73, 78, 83, 114,  
 145, 162, 173, 196, 197, 219,  
 266, 267, 268, 313, 316, 336,  
 339, 351, 357, 360, 381, 403,  
 411, 433, 436, 444, 449, 470.  
 Weare, Wear, Wier, —, 452.  
 Nathaniel, 131, 250, 315, 317,  
 318, 320.  
 Weaver, *see* Trades.  
 Web, —, 9.  
 Webber, —, 92, 278, 295.  
 Webster, Elizabeth, 44, 48-53, 55,  
 65, 66, 70, 89, 90, 97, 98.  
 Israel, 15, 134, 135, 293, 442.  
 John, 15, 63, 169, 345, 398, 439,  
 448.  
 Nathan, 15, 50.  
 Stephen, 272, 276, 277.  
 Thomas, 61, 100.  
 Wedgwood, John, 202, 203, 281, 452.  
 Mary, 44.  
 Weed, John, 56, 145, 147, 315, 407.  
 Weeks, Weekes, Bethiah, 463.  
 Hannah, 190.  
 Wellman, Abraham, 455.  
 Wells, Wels, Abigail, 359.  
 Elizabeth, 360.  
 Hannah, 360.  
 John, 359, 360, 361.  
 Lydia, 360, 361.  
 Nathaniel, 360, 361.  
 Philip, 462.  
 Richard, 59, 60, 145, 149, 247,  
 250, 253, 319, 407, 408.  
 Sarah, 359.  
 Thomas, 228, 358-361.  
 Wells, Me., 359.  
 Welsh, 415.  
 Hannah, 438, 469.  
 Philip, 384, 469.  
 Wenham, 14, 66, 108, 118, 193, 207,  
 218, 227, 312, 373, 384, 385,  
 388, 397, 398, 400, 427-429,  
 438, 446, 456, 459, 462, 468,  
 469.  
 Wenham, vital records of, 118, 384,  
 468.  
 Wentworth, *see* Wintworth.  
 West, —, 26, 117.  
 Henry, 343, 386.  
 John, 6, 86, 96, 208, 221, 226,  
 228, 387.  
 Thomas, 276, 294.  
 Twiford, 26, 122, 150, 302, 309,  
 353.  
 Westgate, Robert, 432.  
 Weymouth, *see* Waymouth.  
 Weymouth, 79, 191, 285, 291.  
 Wharf, 42, 204, 333, 383.  
 Wharton, Edward, 263, 343.  
 Wheat, *see* Food.  
 Wheeler, George, 157, 222.  
 Mary, 112.  
 Thomas, 33, 112, 159, 161, 258,  
 282.  
 Wheels, *see* Tools.  
 Wheelwright, —, 147, 317.  
 John, 98, 280.  
 Whiffin, John, 269.  
 Whipping, *see* Punishments.  
 Whipple, —, 233, 234, 303, 456,  
 457.  
 Cornet, 355, 412.  
 Corp., 68.  
 John, 21, 79, 95, 119, 163, 164,  
 228, 230, 231, 233, 271, 321,  
 354, 373, 436, 449, 453, 456.  
 Joseph, 95, 354, 356.  
 Mary, 79.  
 Mathew, 71, 78, 79, 95.  
 White, Whit, Whitt, Wight, Wite,  
 —, 372, 373, 396.  
 Capt., 58, 97, 98, 101.  
 Bridget, 295.  
 Elias, 16, 76, 110, 111, 272.  
 Elizabeth, 226, 254.  
 Isral, 146, 250, 317.  
 James, 142, 396.  
 John, 316, 452.  
 Katherine, 272, 273, 390.  
 Lawrence, 104.  
 Margaret, 110.  
 Martha, 468.  
 Mary, 16, 76, 110, 111.  
 Paul, 2, 47, 64, 99, 152, 161, 162,  
 222, 241, 247, 248, 308, 317,  
 399, 407.  
 Richard, 58, 181.  
 Ruth, 457, 458.  
 Thomas, 6, 14, 204, 256, 307,

- White, Thomas.—*Continued.*  
 321, 352, 371, 373, 375, 427,  
 446, 456, 458, 468.  
 William, 1, 37, 84, 119, 123, 124,  
 125, 166, 247, 250, 272, 273,  
 303, 310, 318, 390, 395, 396,  
 407, 447.  
 Zachariah, 276.  
 White Horse (ordinary), 166.  
 Whiting, Whitting, —, 31, 114,  
 423, 461.  
 Elizabeth, 422.  
 Joseph, 107.  
 Samuel, 107, 164.  
 Whitman, —, 159.  
 Richard, 257.  
 Whitredg, Whiteridg, Whiterig,  
 Whittered, Whittred, Whitt-  
 redg, —, 272.  
 Thomas, 74.  
 William, 74, 87, 90, 91, 96, 109,  
 183, 272, 300, 389, 426, 441.  
 Whitticker, Whithare, Whithear,  
 Whiticher, Whittiker, Whityare  
 —, 56.  
 Abraham, 39, 113, 122, 123, 145,  
 166, 167, 184, 221, 228, 242,  
 277, 279, 336, 370, 405, 421,  
 422, 424, 454.  
 Elizabeth, 167, 184, 277, 424.  
 Mary, 221.  
 Thomas, 363.  
 Whittingham, —, 259.  
 Wicomb, Weicomb, Wicam, Wick-  
 am, Wicom, Wicom, Wikam,  
 Wycom, Daniel, 124, 136, 292,  
 300, 389, 437, 469.  
 Mary, 469.  
 Richard, 123-125.  
 Wiggan, Weggens, Wiggin, Wiggins,  
 —, 57, 58.  
 Capt., 62.  
 Andrew, 253, 450, 452.  
 Thomas, 60, 239.  
 Wiles, Wild, Elizabeth, 36.  
 John, 117, 118, 138, 259, 335, 354.  
 Priscilla, 117.  
 William, 35, 36.  
 Wilford, Gilbert, 150.  
 Wilkes, Robert, 339, 384.  
 Thomas, 17, 339.  
 Wilkins, Bray, 45, 46, 322-324.  
 John, 45, 215.  
 Margaret, 215.  
 Samuel, 45, 324.  
 Thomas, 215, 258.  
 Wilkinson, Bray, 45, 46.  
 John, 33.  
 Samuel, 33.  
 Willard, Simon, 452.  
 Willet, Thomas, 66.  
 Williams, Willem, Anthony, 272.  
 Isaac, 180, 222, 321, 348, 464.  
 John, 2, 226, 239, 298, 330, 344,  
 454.  
 Joseph, 177.  
 Samuel, 12, 344, 347, 367, 440.  
 Willisstone, Wollestone, —, 333.  
 John, 291.  
 Willowby, Francis, 394.  
 Wills.  
 Andrews, Robert, 163.  
 Antrum, Thomas, 65, 72, 83.  
 Ayer, *see* Eyer.  
 Beadle, Samuel, 179.  
 Brabrooke, John, 4.  
 Bradstreet, Bridget, 356.  
 Brocklebank, John, 363.  
 Bullock, Henry, 175, 176.  
 Cantlebury, William, 82.  
 Cheny, John, 361, 362.  
 Coulc, William, 61.  
 Deale, William, 147.  
 Emerson, Thomas, 362.  
 Eyer, John, 200, 201.  
 Farr, George, 18, 19.  
 Flint, Thomas, 77.  
 Fuller, John, 358.  
 Harwood, Henry, 178, 179.  
 Hascoll, Roger, 427, 428.  
 Hodges, Andrew, 314, 315.  
 Johnson, Richard, 380, 381.  
 Killim, Austin, 449.  
 King, Thomas, 408-410.  
 Kinsman, Robert, 241.  
 Lambert, Gershom, 144, 145.  
 Lawes, Francis, 340, 341.  
 Lemon, Robert, 432.  
 Mansfield, Robert, 402, 403.  
 Metcalf, Joseph, 326, 436.  
 Moulton, Robert, 288, 289.  
 Norton, George, 70-72.  
 Pickworth, John, 113.  
 Pope, Joseph, 434, 435.  
 Rogers, Nathaniel, 230, 231.  
 Rooten, Richard, 114.  
 Searle, William, 448.  
 Smith, Hugh, 411.  
 Smith, Mary, 68-70.  
 Stickney, William, 357.  
 Symonds, Joanna, 355.  
 Thurston, Daniel, 355.  
 Veren, Nathaniel, 290.  
 Wells, Thomas, 358-361.  
 Window, Richard, 266, 267.  
 Witt, Jonathan, 241.  
 Worth, Lionel, 449.  
 Wills hill, 323.  
 Willey, Wille, Willy, Alexander, 43,  
 208, 333.

- Willey, William, 409, 410.  
 Willix, —, 149, 364, 407.  
 Wilson, Willson, —, 65, 153, 159, 214, 279.  
   Abigail, 246.  
   Anne, 425.  
   Humphrey, 3, 133, 145, 147, 148, 249, 279, 366, 452.  
   John, 72, 226, 347, 348, 413.  
   Robert, 17, 19, 116, 223, 270, 275, 276, 293, 343, 377, 381, 434.  
   Samuel, 348, 349.  
   Shoreborne, 66, 226, 246, 373, 457.  
   Theophilus, 17, 27, 40, 125, 143, 136, 166, 189, 190, 266, 271, 314, 315, 351, 354, 393, 412, 447, 458.  
   Thomas, 152-154, 191, 351.  
   William, 257.  
 Wiltshire, Thomas, 170.  
 Windmill hill, 109.  
 Windmills, *see* Buildings.  
 Window, Ann, 266, 267.  
   Bridget, 266, 267, 337.  
   Richard, 191, 266, 267, 337.  
 Wine, *see* Drinks.  
 Winissimit, 156, 227, 284, 285, 455.  
 Winsley, Ann, 101.  
   Anne, 149.  
   Ephraim, 404.  
   Samuel, 97, 101, 149, 199, 250.  
 Winter, —, 18.  
 Winter harbor, 296.  
 Winthrop, John, 9, 164, 168.  
 Wintworth, Samuel, 239.  
 Wise, Joseph, 287, 300.  
 Wiseman, William, 425.  
 Wiswell, Wissold, John, 288.  
 Witchcraft, *see* Crimes.  
 Witt, Wit, John, 31, 165, 268, 281, 297, 422, 461.  
   Jonathan, 241, 268.  
   Mary, 268.  
 Woburn, 470.  
 Wolcott, Walkett, Wilcott, Woolcot, Woolcot, Elizabeth, 385.  
   Jane, 111.  
   John, 17, 79, 131, 134-136, 142, 152, 187, 196, 307, 345-348, 385, 388, 392, 393, 400, 425, 426, 438.  
   Jonathan, 31.  
   Mary, 426, 438.  
   Samuel, 451.  
 Wolfpen plain, 139.  
 Wollidg, Philip, 146.  
 Wolves, *see* Animals (wild).  
 Wood, Woods, Esay, 352.  
   Isaiah, 97, 236, 237.  
 Wood, John, 151, 152.  
   Martha, 71.  
   Mary, 334.  
   Samuel, 384.  
   Thomas, 21, 70, 120, 384, 411.  
   William, 182.  
 Woodbridge, John, 234.  
 Woodbury, Woodbery, Andrew, 14, 15, 162, 291.  
   Elizabeth, 224, 225.  
   Hugh, 429.  
   Humphry, 224, 268, 281, 367.  
   Mary, 460.  
   Nicholas, 109.  
   Peter, 296.  
 Woodcock, Woodcocke, —, 18, 109, 225, 294, 378.  
   William, 83, 261, 445, 463.  
 Wooden ware, *see* Utensils.  
 Wooddam, Wooddum, Woodham.  
   Woodam, John, 40, 390, 395, 401.  
 Woodman, —, 48, 63, 198, 248, 449.  
   Archelaus, 126, 145, 363, 448.  
   Edmond, 172.  
   Edward, 21, 48, 56, 60, 126, 157, 228, 293, 389, 468.  
   Elizabeth, 467.  
   Ezekiel, 412.  
   Hercules, 21.  
   Joshua, 295, 467.  
   Ruth, 385.  
   Sarah, 293.  
 Woodmansie, —, 362.  
 Woodwell, Mathew, 204-206, 269, 270.  
 Wool, 20, 62, 73, 95, 115, 232, 314, 315, 316, 357, 381, 396, 411, 436, 453.  
 Wool, cotton, 62, 63, 170, 201, 260, 316, 347, 348, 388, 389, 405.  
 Wool, English, 347.  
 Woolland, Woulling, Edward, 210, 269, 287, 300, 471.  
 Woolen, *see* Cloth.  
 Worcester, Woster, —, 60, 63, 147.  
   Joseph, 469.  
   Moses, 59, 281.  
   Samuel, 63.  
   Timothy, 59.  
   William, 469.  
 Wormwood, Wormewood, Henry, 348, 456.  
 Worth, John, 449.  
   Judith, 449.  
   Lionel, 449, 468.  
   Mary, 449.  
   Sarah, 449.  
   Susanna, 449.  
 Wright, Eleanor, 293.

- Wright, Thomas, 228.  
Walter, 227, 467.  
Writs, clerk of, 309, 407.  
Wyatt, Wiate, Wiatt, Wiett, Wyet,  
—— 303.  
Elias, 335, 374.  
John, 93, 94, 122, 142, 273.  
Mary, 384.  
Thomas, 302.  
Wyer, Nathaniel, 56.
- Yard, Yeard, Edward, 321, 350.  
Yarn, *see* Manufactures.  
Yeomans, Youmans, Emans, ——,  
421, 422.  
Edward, 6, 7, 37, 40, 59, 121, 122,  
166, 167, 184, 345, 454.  
York, 2, 58.  
York, Eng., 235, 311.  
Yorkshire, 229, 235.  
Young, John 248, 320, 366.  
Mary, 71.  
Younglove, Samuel, 255, 314.











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